



SECURE BORDERS AND OPEN DOORS

PRESERVING OUR WELCOME TO THE WORLD IN AN AGE OF TERRORISM

Report of the Secure Borders and Open Doors Advisory Committee • January 2008



**Homeland
Security**

Report Documentation Page				Form Approved OMB No. 0704-0188	
Public reporting burden for the collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to a penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.					
1. REPORT DATE JAN 2008		2. REPORT TYPE		3. DATES COVERED 00-00-2008 to 00-00-2008	
4. TITLE AND SUBTITLE Secure Borders and Open Doors Preserving Our Welcome to the World in an Age of Terrorism				5a. CONTRACT NUMBER	
				5b. GRANT NUMBER	
				5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR(S)				5d. PROJECT NUMBER	
				5e. TASK NUMBER	
				5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Homeland Security, Washington, DC, 20528				8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)				10. SPONSOR/MONITOR'S ACRONYM(S)	
				11. SPONSOR/MONITOR'S REPORT NUMBER(S)	
12. DISTRIBUTION/AVAILABILITY STATEMENT Approved for public release; distribution unlimited					
13. SUPPLEMENTARY NOTES					
14. ABSTRACT					
15. SUBJECT TERMS					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT Same as Report (SAR)	18. NUMBER OF PAGES 51	19a. NAME OF RESPONSIBLE PERSON
a. REPORT unclassified	b. ABSTRACT unclassified	c. THIS PAGE unclassified			

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Message from the Co-Chairs

Secure Borders and Open Doors. It is a phrase that summarizes the goal of our federal government charged with interviewing, assessing, processing, analyzing, and welcoming hundreds of millions of international visitors while finding the small numbers of people – the needles in the haystack – intent on using our openness against us. It is also the name of our Advisory Committee tasked with advising the Departments of Homeland Security and State in their mission to protect not only America's security but also our economic livelihood, ideals, image, and strategic relationships with the world.

Our long-term success requires not only that we deter and detect determined adversaries, but also that we persuade millions of people around the globe of our ideals – democratic freedom, private enterprise, human rights, intellectual pursuit, technological achievement. That persuasion requires human interaction, and each visitor to the United States represents such an opportunity. Raw statistics are important in analyzing our achievements and challenges, but so are the attitudes we display. Treating prospective and actual visitors with dignity and respect will reinforce, not diminish, our security.



Homeland Security Secretary Michael Chertoff addresses the first meeting of the SBODAC, December 6, 2006. Left to right: Henrietta H. Fore, former Under Secretary of State for Management; John S. Chen, Chairman, CEO, and President, Sybase, Inc., and SBODAC Co-Chair; Jared L. Cohon, President, Carnegie Mellon University, and SBODAC Co-Chair; Michael B. Chertoff, Secretary of Homeland Security; Alfonso Martinez-Fonts, Assistant Secretary for the Private Sector Office, DHS.

We are not alone in responding to this challenge. Globalism and terrorism are facts of life throughout the world, and we are competing with – and collaborating with – many nations in managing multiple goals. The stakes are high. As Thomas Friedman wrote, “We cannot let the FBI, CIA, and Homeland Security, in their zeal to keep out the next Mohammed Atta, also keep out the next Sergey Brin.”¹

Our report describes the problems we hope to help solve and recommends major changes to the budgets, priorities, business processes, and legal authorities of the executive branch. We believe that adopting our recommendations would improve critical security measures, enhance the world’s view of the United States, and attract more businesspeople, students, scientists, and tourists to our shores. We make our recommendations in full appreciation of the significant achievements made by the government to secure our borders and facilitate international commerce since 9/11. We have accomplished much, but we must do much more to position our nation for long-term prosperity and security.

We were honored to be appointed by Secretaries Condoleezza Rice and Michael Chertoff to co-chair this Advisory Committee and are proud to present this report with the belief that it will move us closer to the goal of Secure Borders and Open Doors. The members of the Committee have been assisted in this effort by able staff within our respective companies, universities, think-tanks, and associations and by formal and informal interactions with government officials from the frontline inspector to the Cabinet level.

We look forward to 2008, during which we will work with the Departments on the implementation of these recommendations and to educate policymakers about our proposals. We are grateful for the opportunity to provide continued counsel to the Departments of Homeland Security and State, whose men and women bear the burden of fulfilling the vision of Secure Borders and Open Doors.

John S. Chen, Chairman, CEO, and President, Sybase Inc., Co-Chair

Dr. Jared L. Cohon, President, Carnegie Mellon University, Co-Chair

¹ Thomas Friedman, *The World is Flat*, p.292 (2005).

Executive Summary and Recommendations

As an international beacon of freedom and economic opportunity, and offering unique and attractive opportunities for international businesspeople, students, researchers, and tourists, America has long been a premier destination for people from all over the world. The unfortunate reality that our openness also provided an opportunity for the terrorists who struck on September 11, 2001 has created difficult challenges to this singular national attribute. These challenges exist not only for those industries and institutions who rely on international mobility to create jobs and economic growth in the United States but also for our government, universities, and businesses whose interactions with citizens of foreign nations encourage the growth of democratic freedoms, free markets, and human rights around the world.

Since the 9/11 attacks, America has struggled to make our borders – both physical and virtual – more secure while maintaining the freedom and openness for which our country is celebrated. In the past six years, nearly every aspect of the visa and entry process has been overhauled. We have created a new U.S. Department of Homeland Security, established new agencies, deployed an alphabet soup of security programs across the U.S. government, reached security and facilitation agreements with foreign governments and international organizations, and placed new mandates on private sector and educational institutions. In particular, new security measures carried out as part of the visa application and review process, before international travel, at the point of departure, during a border inspection, and via other means have responded to particular weaknesses in our systems, including many identified by the 9/11 Commission.

The impacts of this wave of policy and operational changes are immense. The most important fact is that the United States has not experienced a successful terrorist attack clearly orchestrated from abroad, even as terrorists have carried out lethal operations in Europe, Asia, the Middle East, and elsewhere. The federal government, and the Departments of Homeland Security (DHS) and State in particular, have made Herculean efforts to meet the goals of a Secure Borders and Open Doors policy. From Cabinet Secretaries to agency and office heads to frontline inspectors and examiners, the U.S. government has tried to fulfill its twin security and facilitation missions. However, it is no indictment of the effort or thoughtfulness of government officials or employees to state that we can and must do better.

The value of the U.S. dollar has dropped significantly and travel to America is a tremendous bargain. Yet, statistics, public opinion studies, and anecdotal evidence show that the policies put in place to make our borders more secure are perceived as making travel to the U.S. more difficult and unpleasant for many foreign visitors than before 9/11 and in comparison to other countries. Many opinion leaders overseas have been more than happy to label our new security programs as the construction of a “Fortress America.”

The numbers are striking and disturbing. Overseas travel to the United States declined 17% from 2000 through 2006. Visits from our most common departure countries – the United Kingdom, Japan, Germany, and France – collapsed from around 12 million visitors in 2000 to around 10 million in 2006.²

At a time when global mobility has been growing substantially, our share of overseas travelers has fallen significantly. While increases in travel within North America have been impressive and are truly significant in their own right, the financial impact and public diplomacy benefits of true overseas travel require the different departure locations to be viewed separately. The charts included at the back of this report demonstrate the trends from 2000 through 2006 regarding travel to the United States from Visa Waiver Program (VWP) countries, from countries requiring visas, and from contiguous neighbors.

As author Fareed Zakaria noted recently about travel to the U.S. from the U.K., one of our closest international allies:

For Brits, the United States these days is Filene's Basement. The pound is worth \$2, a 47 percent increase in six years. And yet, between 2000 and 2006, the number of Britons visiting America declined by 11 percent. In that same period British travel to India went up 102 percent, to New Zealand 106 percent, to Turkey 82 percent and to the Caribbean 31 percent. If you're wondering why, read the polls or any travelogue on a British Web site. They are filled with horror stories about the inconvenience and indignity of traveling to America.³

Former U.S. Secretary of State Colin Powell has commented:

Some argue that we should raise the drawbridge and not allow in any more foreign visitors. They are wrong. Such a move would hand a victory to the terrorists by having us betray our most cherished principles. For our own nation's well being, and because we have so much to give, we must keep our doors open to the world.⁴

By January 2006, however, concerns that this vision was not being implemented led his successor, Secretary of State Condoleezza Rice, and Secretary of Homeland Security Michael Chertoff to announce the Secure Borders and Open Doors vision, generally known as the Rice-Chertoff Initiative (RCI). RCI reflected a renewed effort by the two Departments to enhance America's attractiveness to international tourists, students, and businesspeople while also preventing those who wish our country harm from entering. In a joint statement, Secretaries Rice and Chertoff announced a three-part vision – Renewing America's Welcome with Improved Technology and Efficiency, Improved Travel Documents, and Smarter Screening – “to guide the current and future development of solutions that ensure the best use of new technologies and the most efficient processes — all of which will ensure that our joint facilitation and security objectives are met.”⁵

Since the 9/11 attacks, America has struggled to make our borders — both physical and virtual — more secure while maintaining the freedom and openness for which our country is celebrated. It is no indictment of the effort or thoughtfulness of government employees to suggest that we can and must do better.

Some statistical evidence over the past two years indicates progress has been made to implement RCI and restore the attractiveness of the U.S. as a location for business and study and as a travel destination. Travel from Western Europe has started to recover, visa approvals in growth markets such as China, India, and Brazil are up, and the overall number of international students

2 U.S. Department of Commerce, International Trade Administration, Office of Travel and Tourism Industries, http://tinet.ita.doc.gov/outreachpages/inbound.general_information.inbound_overview.html.

3 Fareed Zakaria, “America the Unwelcoming,” *Newsweek*, November 26, 2007, <http://www.newsweek.com/id/70991>. Travel from the U.K. to the U.S. in the first nine months of 2007 was up 6% over 2006. <http://www.tinet.ita.doc.gov/view/m-2007-l-001/table5.html>.

4 Colin Powell, “Secure Borders, Open Doors,” *Wall Street Journal*, April 21, 2004, <http://www.state.gov/secretary/former/powell/remarks/31634.htm>.

5 Department of Homeland Security, “Factsheet: Secure Borders and Open Doors in the Information Age,” January 17, 2006, http://www.dhs.gov/xnews/releases/press_release_0838.shtm.

has recovered to pre-9/11 levels.⁶ These trends are very encouraging but we must continue to improve all aspects of our immigration and travel processes if we expect them to continue in the face of global competition and security risks.

To gather expert input on travel and border issues, the Secretaries of Homeland Security and State appointed the Secure Borders and Open Doors Advisory Committee (SBODAC) in December 2006. The advisory committee consists of members from academia, the private sector, and nongovernmental organizations.⁷ To help facilitate research in particular areas, the SBODAC Co-Chairs appointed four working groups, each chaired by SBODAC members and focused on key aspects of the issues: Public Diplomacy and International Outreach, Visa Policy and Processing, Ports of Entry, and Metrics and Critical Success Factors.

This report was prepared following numerous briefings from DHS, State, and other public and private entities and after extensive deliberation by and input from all Committee members.

The Committee formulated 44 policy recommendations, all of which are discussed in the main body of this report. While many of the recommendations could be implemented solely by the executive branch, many require additional funding from the Congress and some require legislative changes. The following list of 12 priority recommendations is representative of the full set. The Committee believes that implementing all of its recommendations will help restore America's openness while maintaining the security of our borders.

PUBLIC DIPLOMACY AND INTERNATIONAL OUTREACH

- The federal government and the private sector should work cooperatively to establish a national-level strategic communications campaign to promote the United States as the premier visitor destination in the world.
- The United States should articulate a comprehensive national policy for attracting international students and place a White House official in charge of coordinating implementation of the policy.
- The responsibility for creating, conducting, and evaluating most public diplomacy programs should be removed from the Department of State and housed in a new quasi-governmental entity, the Corporation for Public Diplomacy.

VISA POLICY AND PROCESSING

- The Department of State should expand its use of management practices related to visa processing to include more monitoring of outcomes and the achievement of specific results—including a maximum 30-day wait time for visa interviews and improvements in security and error reduction—with systematic goals, performance metrics, feedback, and improvements in outcomes from year to year.
- The Departments of State and Homeland Security should improve collaboration, including establishing a joint Business Process Task Force to set standards for a single enterprise file on businesses that seek to sponsor travel and immigration and/or move goods across U.S. borders and a voluntary Business Movement Service and Security Partnership to facilitate movement of working people and goods.

6 Institute of International Education "Open Doors 2007: Report on International Educational Exchange," November 2007, <http://opendoors.iienetwork.org>. See also, fn 2.

7 "DHS and State Announce Members of the Secure Borders and Open Doors Advisory Committee," December 6, 2006, http://www.dhs.gov/xnews/releases/pr_1165414188787.shtm. The SBODAC is legally a subcommittee of the full DHS Homeland Security Advisory Committee.

- The Department of State should address the need for new consular officers and posts, particularly in large countries with increasing visa demand, by elevating the role of consulate and other border management personnel planning and consulate construction in State's planning process. The Department also should continue to develop videoconferencing as a way to expand access to consular offices.

PORTS OF ENTRY

- The Department of Homeland Security should establish a pilot program for International Registered Travelers as soon as possible and promptly expand the program to the top 20 international airports.
- The Departments of Homeland Security and State should accelerate and expand the Model Ports Program and fully include the Transportation Security Administration to eliminate redundant re-screening of baggage and passengers.
- The Department of Homeland Security should continue to improve security performance while reducing the average amount of time U.S. Customs and Border Protection officers spend with each traveler to less than pre-September 11 levels and staff ports of entry sufficiently to complete primary inspection of foreign passengers in less than 30 minutes by December of 2009.
- The Departments should implement the Western Hemisphere Travel Initiative (WHTI) and US-VISIT on the land border without degrading the travel experience.

METRICS AND CRITICAL SUCCESS FACTORS

- A consistent set of metrics that indicate the efficiency, effectiveness, and consumer friendliness of visa application and adjudication should be maintained longitudinally and used to analyze and continually improve performance and optimize deployment of resources.
- The performance metrics related to visa application and adjudication, and those related to entry of international travelers, both citizens and non-citizens, should be globally benchmarked.

Public Diplomacy and International Outreach

DISCUSSION

The term “public diplomacy” refers to aspects of international relations that go beyond official interactions between national governments.

While the term “public diplomacy” may trigger thoughts about how the image of the United States is portrayed overseas in film, television, music, sports, video games, and other social/cultural activities, the opportunities for direct interactions between Americans and residents of other countries created by international travel are perhaps the most important asset of public diplomacy at our disposal.

The public diplomacy benefits of travel to the United States are manifold and critical to the economic and political future of the nation. People-to-people diplomacy resulting from various forms of international travel to and from the United States ensures that our country remains vitally connected to the world. While it may seem counterintuitive in an era of international terrorism, “open doors” to the United States can be a means to make our country more admired and thus more secure, not less. The benefits of increased international travel to the U.S. are not merely more visitor spending and the American jobs such spending supports. What has escaped the notice of most reporters and political experts is the potential that exists within the travel experience to win hearts and minds around the world one visitor at a time. For a nation that has seen its favorability rating decline dramatically in recent

years, we should be making every effort to invite and facilitate the entry of millions more international visitors. Every international traveler entering the United States is a potential friend of the United States.

Travelers’ concerns related to security and possible subsequent terror attacks were in large part responsible for the dramatic drop in international travel in the period immediately following September 11, 2001. As we moved beyond the immediate aftermath of those attacks, the real and perceived barriers associated with U.S. visa and entry policies and procedures have become the primary cause of a continued decline in travel to the U.S. In addition, beyond what prospective visitors may perceive as unwelcoming policies and procedures, what they are not hearing or seeing from the United States also matters greatly. While individual travel-related companies and city and state destinations may advertise their products and services abroad, the United States currently has no official, comprehensive program in place to extend an explicit welcome to prospective visitors around the world.

The precipitous decline of the U.S. image abroad has been widely and frequently reported in the media. According to the Pew Global Attitudes Project report issued in June 2006, the U.S. image declined over the previous year in most of the 15 countries surveyed. Favorable opinions of the U.S. fell in Spain (41 percent to 28 percent), India (71 percent to 56 percent), and Russia (52 percent to 43 percent).⁸

⁸ Pew Global Attitudes Project, 2006 Report, “America’s Image Slips, But Allies Share U.S. Concerns Over Iran, Hamas,” <http://pewglobal.org/reports/display.php?ReportID=252>.

In comparison, research demonstrates that after visiting the United States, foreign citizens have significantly improved perceptions about the U.S., its people, and even its policies. For example, the Discover America Partnership's 2006 survey of more than 2,000 international travelers discovered that 63 percent of foreign travelers feel more favorable towards the United States as a result of their visits.⁹

To be sure, there are numerous other possible factors affecting aggregate travel numbers, including: the introduction of direct air routes between more non-U.S. destinations; increased competition from other countries that actively market themselves to international travelers; changing economic conditions in source markets; and currency fluctuations. Some of these factors, though, also should be encouraging additional travel to the U.S., especially the relative weakness of the dollar versus other currencies.¹⁰

University Outreach

As Harvard scholar Joseph S. Nye Jr. has written, public diplomacy entails not only "conveying information and selling a positive image," but also "building long-term relationships that create an enabling environment for government policies." It is in that latter respect that universities make their unique and indispensable contribution. The universities' domain lies in what Nye calls the "third dimension" of public diplomacy: "the development of lasting relationships with key individuals over many years through scholarships, exchanges, training, seminars, conferences, and access to media channels."¹¹

Universities recruit international students, professors, and researchers. They send students and scholars abroad. They develop partnerships with foreign institutions under which they engage in exchanges for mutual benefit. In each case, they are building the lasting relationships that Nye refers to.

International student enrollment at America's colleges and universities declined for each of the academic years ending in 2004-2006. It is welcome news that studies published in November of 2007 indicate that enrollment for the 2006-2007 academic year had increased 3% over the prior year.¹² Nonetheless, the United States still has lost a significant share of the international student market during a period when the United Kingdom, France, Australia, and other major competitors are experiencing robust growth.

Every international traveler entering the United States is a potential friend of the United States.

Regarding international students, generations of foreign policy leaders have testified to the power of this public diplomacy tool. Speaking at the January 2006 University Presidents Summit, President George W. Bush spoke to the difficulty of striking the right balance in visa policy and said, "We're going to get it right, because the more youngsters who come to America to get educated, the more likely it is people in the world will understand the true nature of America."¹³ Many leading officials at State, such as recently departed U.S. Ambassador for Public Diplomacy Karen Hughes and outgoing Assistant Secretary of State for Consular Affairs Maura Harty, have made efforts to leverage America's vast academic assets for public diplomacy. However, the President's commitment to strike the right balance is not yet fulfilled.

Without question, universities themselves have unique responsibilities in this area. They must continue the stepped-up recruitment efforts they have put in place since 9/11 and do everything possible to make their institutions more attractive and accessible to international students.

⁹ Discover America Partnership/RT Strategies Survey of International Travelers http://www.poweroftravel.org/pdf/International_Travel_Survey_Summary.pdf.

¹⁰ Agence France Presse, "Ailing dollar falls to historic low against euro," November 20, 2007, <http://afp.google.com/article/ALeqM5ihCSYw933a0LfwsS2hHpAeQ1-fv>.

¹¹ Joseph S. Nye Jr., *Soft Power: The Means to Success in World Politics* (New York: Public Affairs, 2004), pp. 107, 109.

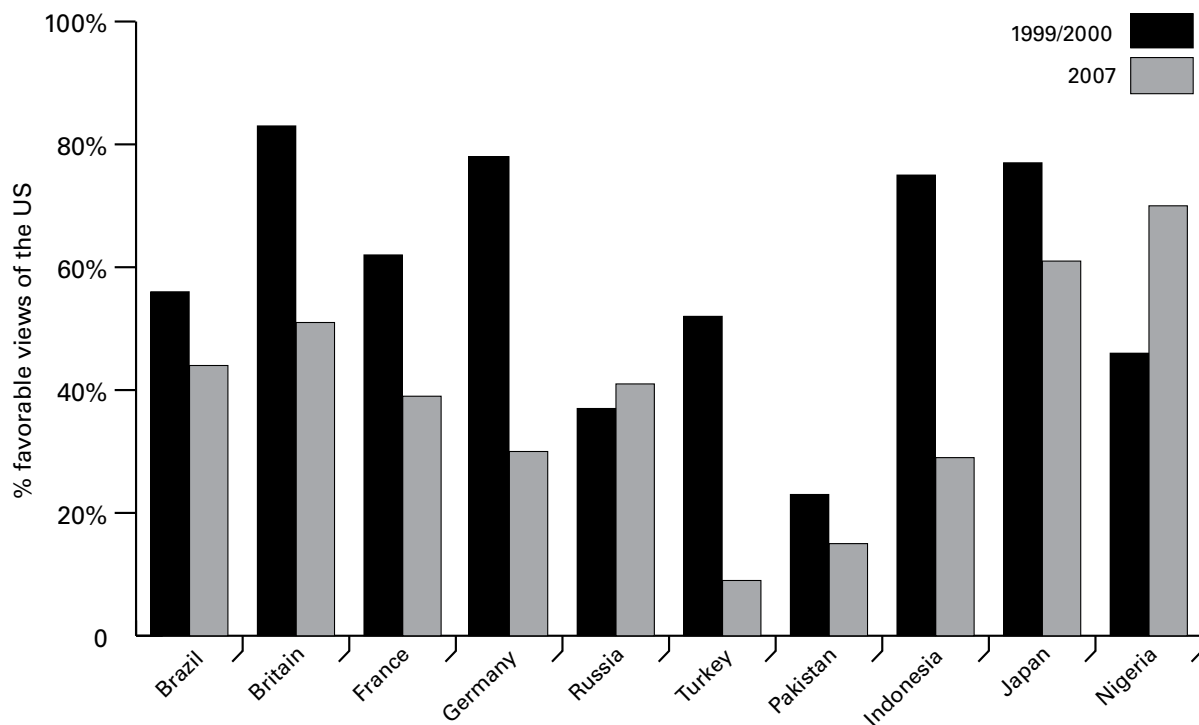
¹² Institute of International Education, "Open Doors 2007: Report on International Educational Exchange," November 2007, <http://opendoors.iienetwork.org>.

¹³ George W. Bush, "Remarks by President Bush to the U.S. University Presidents Summit on International Education," January 5, 2006, <http://www.state.gov/r/summit/58734.htm>.

America is losing competitiveness for international students for one primary reason, and it is not related to how the Bureau of Consular Affairs (CA) at State is performing their operational responsibilities. Rather, it is because our competitors have – and America lacks – a proactive national strategy that enables us to mobilize all the tools and assets at our disposal, and that enables the federal bureaucracy to work together in a coherent fashion, to attract international students. Instead, the U.S. effort is characterized by a bureaucracy that often works at cross purposes.

An equally important way to leverage universities for public diplomacy is to encourage more Americans to study overseas. The United States simply cannot conduct effective diplomacy – public or otherwise – if our citizenry does not have an understanding of the people we are trying to influence. The most effective thing we can do as a nation to ensure that Americans possess the international knowledge and cross-cultural skills that are vital to national security and economic competitiveness is to have more Americans living and learning overseas. As President Bush has said, “America’s leadership and national security rest on our commitment to educate and prepare our youth for active engagement in the international community.”¹⁴

International public opinion of the United States



Source: Pew Global Attitudes Project, 2007 Report “Global Unease With Major World Powers”
<http://pewglobal.org/reports/display.php?ReportID=256>

¹⁴ George W. Bush, “International Education Week 2001 Statement,” November 13, 2001, <http://exchanges.state.gov/iew2001/message.htm>.

Yet today, only about 1 percent of U.S. undergraduates study abroad as part of their education.¹⁵ Those that do, as a group, are not representative of the ethnic, socioeconomic, and academic diversity of our nation. Although 95 percent of the world's population growth over the next 50 years will occur in developing nations, and many of the challenges that our country faces emanate from the non-Western world, nearly 60 percent of students currently study only in Europe, approximately 43 percent in only four countries: the United Kingdom, Italy, Spain, and France.¹⁶ Updating study-abroad programs to better align them with 21st century realities is a compelling national need, and a national effort is required to accomplish it.

Corporate Outreach

In many ways and on many occasions, State has stressed the need to engage corporate America in public diplomacy. A world that admires America is more likely to welcome and value American goods and services. More fundamentally, U.S. corporations should rise to the challenges of public diplomacy by lending expertise to the country's need to defend its reputation and interests in the world. American statesman Pete Petersen calls this idea "Business Patriotism."¹⁷

It is also true that in addressing certain public diplomacy challenges, business has a number of clear advantages, including:

- American business is admired: Surveys show that the "American Way of Business" is still greatly admired around the world.¹⁸

- The reach of American business is vast: Through their people and their brands, American business touches millions of lives throughout the world every day.
- American business is culturally sensitive: An estimated five to six million of the approximately nine million people employed by U.S. companies outside the U.S. are local nationals who are sensitive to local cultures and social mores.¹⁹
- Business knows how to get along: U.S. companies, especially multi-nationals heavily dependent on foreign markets, have learned how to excel across cultures and borders.
- Business is a credible messenger: In many countries, global companies are viewed as more credible messengers than the U.S. government.

Individual companies can take action to promote American public diplomacy. However, the U.S. government should leverage the strengths of corporate America as a community for public diplomacy. Business should lend its expertise to the federal government in a variety of ways such as technology to streamline the visa process, media training for foreign-service officers, marketing and communications skills for the many voices of government, and analytical and organizational skills to facilitate action and accountability.

15 NAFSA: Association of International Educators "Study Abroad Participation by State 2005-2006," November 2007, <http://www.nafsa.org/saps0506>.

16 Institute of International Education "Open Doors 2007: Report on International Educational Exchange," November 2007, <http://opendoors.iienetwork.org>.

17 Council on Foreign Relations, "Finding America's Voice: A Strategy for Reinvigorating U.S. Public Diplomacy," September 18, 2003, http://www.cfr.org/content/publications/attachments/public_diplomacy.pdf; Peter G. Petersen, "Where Are the Business Patriots? CEOs Need to Be Statesmen Again," *Washington Post*, June, 18, 2004.

18 See, e.g., Edelman Trust Barometer 2007, p. 29, http://www.edelman.com/trust/2007/trust_final_1_31.pdf.

19 Survey of Current Business, November 2007, p. 45; Pard Hyonk-ki, "AMCHAMS Fight Tax Increase," *Korea Times*, June 9, 2006; Elizabeth Olson, "Trial Census Count Is Planned for Overseas Americans," *International Herald Tribune*, October 25, 2003.

RECOMMENDATIONS

The federal government and the private sector should work cooperatively to establish a national-level strategic communications campaign to promote the United States as the premier visitor destination in the world.

This new public-private partnership – including representatives of the travel industry and the broader business community – would be designed to carry out two main missions: changing perceptions about the U.S. visa and entry process, and promoting the U.S. as a top destination for all types of visitors.

“The more youngsters who come to America to get educated, the more likely it is people in the world will understand the true nature of America.” – President George W. Bush

As part of this campaign, DHS and State should create a formal mechanism to identify inaccurate or distorted reporting concerning the visa issuance or arrivals inspection process and respond actively to set the record straight. The Departments should work with private sector travel organizations to leverage industry channels to disseminate information concerning changes and improvements in the visa and entry process. The promotion program should be accountable to the Congress and the executive branch and be funded through a combination of in-kind and cash contributions from private sector organizations with an interest in promoting

travel to the United States. These monies could be supplemented by fees from foreign travelers similar to those paid by Americans traveling abroad.²⁰

This new entity would build on an impending industry-based opportunity to promote the U.S. to international visitors. The DiscoverAmerica.com Web site, which is expected to be launched in 2008, was developed through a cooperative agreement between the U.S. Department of Commerce and the Travel Industry Association and will be designed to serve as the “Official Travel & Tourism Web site of the United States.”²¹ The site will be initially serving five markets: the United Kingdom, Germany, Japan, Canada, and Mexico. The site will feature a variety of information about U.S. destinations including attractions, natural resources, dining, lodging, transportation, shopping, and activities, in addition to the most up-to-date information on entry documentation requirements and the arrivals inspection process.

Until and even after such a partnership is established, DHS and State should consult with other affected governments to explain the nature of the U.S. programs and educate the traveling public on the requirements and procedures involved, including possible benefits to the travelers themselves. The public outreach should involve all forms of media including television and print, not just government Web sites. The Departments should work with airlines, airports and the rest of the travel industry in disseminating accurate information and responding to questions and concerns raised by the local media and communities. Among the success stories in this regard have been US-VISIT and TSA’s “3-1-1” campaign regarding liquids and gels.

20 Discover America Partnership, “A Blueprint to Discover America,” January 31, 2007, http://www.poweroftravel.org/pdf/DAP_blueprint.pdf, p. 29.

21 Office of Travel & Tourism Industries, “Commerce Department Announces \$3.9 Million to Increase Awareness for America’s Travel and Tourism Industry,” February 1, 2007, <http://tinnet.ita.doc.gov/tinews/archive/tinews2007/20070201.html>.

The Departments of Homeland Security and State should ask Congress to eliminate the media or “I” visa requirement for journalists from Visa Waiver Program countries entering the United States for the purpose of engaging in media activities.

Reshaping the U.S. image abroad will necessitate reaching out to international media and inviting reporters to see and experience the United States. The process of inviting the international media to the U.S. for familiarization or “fam” tours, as well as any other reporting, would be greatly enhanced if members of the press from Visa Waiver Program (VWP) countries were no longer required to obtain “I” visas for official business visits to the United States.²² Even if State is issuing “I” visas to journalists quickly and efficiently, the requirement to obtain such visas is a major irritant for the foreign press even though the security concerns that led to the creation of this visa category decades ago are no longer relevant for VWP countries.

State has concluded that they do not have regulatory flexibility to eliminate the “I” visa requirement for journalists from VWP countries. Thus the Department of Homeland Security, which has legal authority to manage the VWP, should request legislation from Congress to place journalists from VWP countries on equal footing with other business professionals who may enter the U.S. for less than 90 days without the need for a visa. Eliminating this visa requirement could accomplish a great deal to produce a more positive attitude among journalists covering stories in and about the United States.

The United States should articulate a comprehensive national policy for attracting international students and place a White House official in charge of coordinating implementation of the policy.

The best and brightest from around the globe are now a sought-after commodity, able to choose from many centers of excellence where they can ply their creative skills. Other countries are working hard to attract the next generation of the world’s scientific, technological, and intellectual elite.

An intelligent, comprehensive approach would necessarily involve numerous federal agencies that affect the propensity of international students to study in the United States. These agencies include not only DHS and State, but also the Departments of Commerce, Education, and Justice, the Social Security Administration, the Internal Revenue Service, and the investigative and intelligence agencies involved in background check processes. Only an official policy issued under the name of the President can effectively direct a multi-agency approach.

Congress should enact legislation to facilitate the goals of dramatically increasing the number and diversity of U.S. undergraduates who study abroad to 1 million per year and increasing the diversity of the locations they choose.

Increasing the number of Americans who study abroad to 1 million per year would constitute a fivefold increase over today’s numbers.²³ One way to accomplish this goal would be congressional passage of the proposed Paul Simon Study Abroad Foundation Act, which would provide seed money to encourage colleges and universities to take the necessary steps to make study abroad the routine,

²² 8 CFR Part 214 Sec. 214.2 (i)

²³ House Foreign Affairs Committee “Lantos Hails Passage of Study Abroad Act,” June 5, 2007, http://foreignaffairs.house.gov/press_display.asp?id=365.

rather than the exception, on American campuses.²⁴ This proposal was put forward by a blue-ribbon, bipartisan commission with members appointed jointly by the President and the congressional leadership²⁵ that has broad support among all types of higher education institutions and strong bipartisan support in Congress.²⁶ Through this democratization of study abroad, our nation can help ensure that future generations of Americans will possess greater knowledge and cross-cultural skills to better understand and engage the world. Their skills and relationships would become a major asset to public diplomacy that does not exist today.

The educationusa.state.gov Web site should be improved to be a better tool for American public diplomacy and international outreach.

Although this Web site is a very comprehensive and informative “one-stop shop” for students hoping to study in the United States, it should be thought of not merely as an information source, but also as a marketing and recruiting tool. The site should be improved in areas including:

- Ease of access: The site should be better known and easier to find, including use of search engine marketing and online media planning and placement.
- Relevant links: Educational sites with similar offerings should link to <http://educationusa.state.gov>.
- Appearance and functionality: User-friendliness and overall visual appeal should be improved, for example, by adding a Frequently Asked Questions link, a section debunking myths and horror stories, foreign language capabilities, and a live chat feature.

- Coordination with other government Web sites: State, State’s Bureau of Consular Affairs, and DHS all have Web sites for international students which should be linked, and information contained on these sites should be coordinated with the EducationUSA site.

The Departments of Homeland Security and State should incorporate the use of cross-cultural tools and training offered by universities and private sector entities.

Many officials at ports of entry and in our immigration system have not been thoroughly trained in cross-cultural sensitivity, resulting in missed opportunities for creating positive impressions among visa applicants in the communities where they serve and among travelers. Foreign Service officers, including those performing consular duties, undergo extensive language and other training before arriving at posts and further training upon arrival. They can benefit nonetheless from the global perspectives and skills honed in the multinational business environment. For example, CultureSpan is a one-day workshop developed by Business for Diplomatic Action in cooperation with the Thunderbird School of Global Management. Similar programs are offered at the University of North Carolina and the University of South Carolina. Such courses are designed to give participants a global mind-set and provide them with new tools for managing global teams and communicating across cultures. These types of training opportunities may serve as important elements of DHS training and as useful supplements to the training by the Foreign Service Institute.

24 H.R.1469 was passed by the U.S. House of Representatives on June 5, 2007. The bill and companion legislation, S. 991, are awaiting action in the U.S. Senate.

25 NAFSA: Association of International Educators, “Securing America’s Future: Global Education for a Global Age,” November 2003, <http://www.nafsa.org/securingamericasfuture>.

26 NAFSA: Association of International Educators, “Senator Paul Simon Study Abroad Foundation Act,” <http://www.nafsa.org/simon>.

Likewise, many ambassadors and other foreign-service officers who may have occasion to deal with reporters have not received the kind of media training from experienced professionals on which the business world now relies. Such training could help diplomatic personnel learn how to deal more effectively with negative perceptions, hostile reporters, and inaccuracies in reporting which are unfortunate realities of the modern media environment.

The responsibility for creating, conducting, and evaluating most public diplomacy programs should be removed from the Department of State and housed in a new quasi-governmental entity, the Corporation for Public Diplomacy.

Whereas State's primary responsibility is to formulate and advocate U.S. foreign policy, the role of public diplomacy should be an independent effort to engage all sectors of American society in improving world opinion of our country. Given the decline in America's reputation in the world, a dramatic reappraisal of U.S. public diplomacy strategy and tactics is long overdue. As it will take years to revive America's reputation, the government should establish a vehicle for public diplomacy, such as a new Corporation for Public Diplomacy that would take a long-term approach insulated from year-to-year partisan politics.²⁷

The U.S. government should elevate and institutionalize the role currently being played by the Strategic Communication and Public Diplomacy Policy Coordinating Committee by establishing a National Communications Council, reporting to the President.

The U.S. government has many messengers sending out uncoordinated, sometimes conflicting, messages to foreign audiences. While the government has increasingly recognized the need to coordinate public diplomacy initiatives and strategic communications to foreign audiences across the many agencies involved in these activities (especially the Departments of State, Defense, and Homeland Security, as well as the U.S. Agency for International Development, the Broadcasting Board of Governors, and others), very little actual coordination has been accomplished. At present, the Undersecretary of State for Public Diplomacy and Public Affairs chairs the Strategic Communications and Public Diplomacy Policy Coordinating Committee, which has been given the task of inter-agency coordination. However, over the long term this responsibility should rest in a White House National Communications Council because of the cross-agency responsibilities.



Members of the SBODAC and the DHS Homeland Security Advisory Council tour the site of the former World Trade Center in New York City, June 11, 2007.

²⁷ Council on Foreign Relations, "Public Diplomacy Steps Taken Since 9/11 Not Enough; Council Task Force Urges the Bush Administration to Counter America's Deteriorating Image as Anger at U.S. Deepens Post-Iraq War," <http://www.cfr.org/publication.html?id=6262>.

Visa Policy and Processing

DISCUSSION

Non-immigrant visas authorize temporary travel to the United States for approximately 5 million tourists, businesspeople, academics, students, and other visitors each year from at least 160 countries.²⁸ The more than 15 million annual visitors fuel prosperity, nourish society, create political ties, and often lay the foundation for immigration.²⁹ Visas thus serve both people and institutions and are a key economic and security tool of the United States. For many foreign visitors, the first American they meet will be the consular officer who adjudicates their visa application. Consular officers' skills, judgment, and courtesy therefore have a powerful influence on American interests.

Visa issuance requires collaboration between the Bureau of Consular Affairs (CA) at the U.S. Department of State (State), which adjudicates visa applications; the Department of Homeland Security's U.S. Citizenship and Immigration Services (USCIS), the primary adjudicator of petitions sponsored by U.S. businesses and universities on behalf of individual applicants; and U.S. Customs and Border Protection (CBP), which adjudicates visas for certain visitors from Canada and determines entry for all visa-holders.

Actual and perceived visa service, including efficient management of security needs, and visa demand are both pressing issues. U.S. businesses report that many meetings are now held in Europe instead of the United States because of the greater certainty of and, often, shorter wait times associated with the European visa processes.³⁰ Frustrations with inaccurate decisions and in obtaining redress are persistent. Rising demand from major developing countries, especially India, China, Mexico, and Brazil, if present practices and trends continue, cannot be met and is already creating slow processing times.

For many foreign visitors, the first American they meet will be the consular officer who adjudicates their visa application. Consular officers' skills, judgment and courtesy therefore have a powerful influence on American interests.

²⁸ Information provided by the Department of State.


²⁹ *Ibid.*

³⁰ Business representatives have received numerous reports from their colleagues that they have chosen to hold meetings in other countries, such as the United Kingdom, Australia, or Canada, because they feel more certain that their associates will be approved for visas and in less time. See, e.g., Jeff Bliss and John Hughes, "World's 'Worst' Visa System Scars Business Away From the U.S.," Bloomberg News, December 26, 2006, <http://www.bloomberg.com/apps/news?pid=20601087&sid=a1F10udeixLM&refer=home>.

The Rice-Chertoff Initiative envisions a visa system that enables the maximum number of people to visit the United States with optimum security and efficiency. RCI emphasizes the need for 21st century information technology to achieve this goal, specifically directing: a single original capture of data from applicants accessible to all border and immigration functions, paperless processing, videoconferencing technology to enhance access to visa services, expanded business facilitation programs, and reduced time to obtain a visa.

Rising visa demand

Fiscal Year 2006-2007 (October 2005 to October 2007)

Brazil		▲ 27 %
India		▲ 58 %
China		▲ 11 %

Source: U.S. State Department

The Department of State, in particular, has made important progress toward these goals. CA is on track to launch a paperless, Internet-based visa application system by 2008 as part of a single portal that will take applications, schedule appointments, and allow fee payment by the end of 2009. Outsourced enrollment capability is being piloted to determine the impact on the visa process on State and on applicants going first to a kiosk then to a consulate. State has added 40 percent more consular officers since 2001, reinvigorated business facilitation programs, and trimmed visa wait times for most students and, to some extent, for tourists and business travelers.³¹

State's continuous technology improvements are impressive and essential. But meeting the new challenges requires further evolution in visa management practices, including more use of analytic tools and measures of accountability for meeting specific goals. These have the potential to support continuous improvement in the quality of visa decisions generally, including security, and of public perceptions of the system.

The system would also benefit from sustained attention to presentation of information, and to error reduction and resolution. The lack of consistent, high-quality Web site information and of reliable avenues for redress and review are two factors that escalate costs and exacerbate negative perceptions.

But visa system managers need greater support in making such changes and investments. The U.S. foreign affairs system treats visa matters as distinctly subordinate to traditional diplomacy, and optimizing the visa system remains a relatively low policy and budget priority for both State and DHS. To manage higher levels of risk, respond to global economic competitiveness, and support U.S. diplomacy, this must change. The visa system – as a service vital to the U.S. economy and as a critical security tool – must be accorded more prominence and resources. Consular operations are funded nearly exclusively through visa fees, making it difficult to innovate and to meet needs that arrive suddenly. Moreover, there are simply not enough visa officers or consulates, and the future shortfalls in officers and in the number of consulates are guaranteed to be greater than today.

The division of authority over the visa process complicates progress in service and in security. DHS has authority for policy and for business petitioners, State for operations and law enforcement relating to visa applications and passports, and DHS, the Federal Bureau of Investigation (FBI), and other agencies for terrorism and crime-related inputs. The USCIS has not developed an Internet-based system for business petitioner applications that can be linked with State's electronic visa application system. The lack of connectivity prevents development of a joint business traveler facilitation program analogous to CBP's Customs-Trade Partnership Against Terrorism (C-TPAT), a useful shipper facilitation and security program. Security checks outside of the control of State can be unnecessary or drag on unnecessarily for months.

The steps suggested below are specific ways to move forward.³²

³¹ Information provided by the Department of State.

³² This series of recommendations is primarily aimed at executive branch policies and programs, rather than significant legislative changes to the types and numbers of immigrants and non-immigrants granted visas to travel temporarily or permanently to the United States to work, study, or perform other legal activities. The SBODAC membership recognizes the critical importance of attracting and admitting foreign visitors who wish to attend U.S. universities, travel for short-term business or pleasure, or obtain short-term or permanent employment in the U.S. However, the SBODAC concluded that advocating legislative changes in these areas was beyond the core function of this report.

RECOMMENDATIONS

Management Practices

The Department of State should expand its scope of management practices related to visa processing to include more monitoring of outcomes and the achievement of specific results—including a maximum 30-day wait time for visa interviews and improvements in security and error reduction—with systematic goals, performance metrics, feedback, and improvements in outcomes from year to year.³³

Modern management practices rely on agreed criteria and data sources for monitoring progress, setting goals, and improving communications. Visa officials work energetically to improve the visa process; at present, however, CA lacks a systematic process for analyzing cumulative service and security outcomes. CA should use the data to set specific goals, improve operations, and communicate those specific improvements to the public using empirical data.

For example, State has established a performance goal of taking no more than 30 business days to interview and provide visas to successful applicants, but it has no mechanism to ensure the goal is met, or to optimize business processes to that end. While CA instituted a helpful new practice in which all 212 offices taking visa applications post a Web site notice of current visa wait times, the standards for performance measurement still differ among the various posts, and are not always updated in a timely manner. Most importantly, CA does not track and report annual performance by country or globally, so that State managers and personnel, Congress, the travel community, and the broader public can know where the United States stands in meeting its timeliness goals.

CA would achieve greater success, including in its communications, by expanding its use of a “continuous improvement” model that defines objectives, seeks to achieve them, regularly assesses achievements, and makes changes that respond to those findings, in collaboration with DHS when appropriate. Goals should include:

- Increasing the number of applicants for whom visa adjudications are completed within 30 days until the goal is achieved and a new, faster goal may be adopted;
- Basing wait-time goals on comparisons with competitor countries;
- Reducing the number of individuals granted visas who, at ports of entry, are sent to secondary processing or denied entry;
- Reducing the number of visas granted to individuals who are subsequently determined to be security risks, convicted criminals, or violators of immigration laws;
- Improving results in public opinion polls that measure attitudes toward the U.S. visa process; and
- Reducing the number of individuals erroneously denied entry and related complaints from applicants, stakeholders, and Members of Congress.

Because outcomes may not be not fully under State’s control, the process of determining and measuring outcomes may require collaboration with DHS and other agencies that participate in the visa process. Assessments also need to take current law into account; when approximately one quarter of visa applications are denied based on legal requirements,³⁴ there will inevitably be disappointed – and disgruntled – applicants.

³³ The Metrics section of this report discusses general metrics to measure success of U.S. visa and border security programs.

³⁴ Under 8 U.S.C. Section 214(b) of the Immigration and Naturalization Act, a visa applicant bears the burden of showing that he or she is not an immigrant by meeting the terms of the specific visa classification for which the application is being made.

Planning related to all of the Department of State's immigration, migration, and travel functions — visas, passports, overseas citizen services, refugee, asylum, and border security functions — should become more defined, regular, and formal through a Quadrennial Service and Security Review in collaboration with DHS, to improve security and performance.

Inaccurate forecasts have major consequences for risk, resources, outcomes, and perceptions. The passport availability crisis in the summer of 2007, for example, imposed major costs on the public as travel schedules were canceled and trips were delayed. Growing demand for visas in China, India, Brazil, and Mexico likewise has the potential to impose high costs on the United States if forecasts and plans are off the mark.

At present, CA does undertake some planning and conducts internal and outsourced studies to determine demand. Most recent studies, however, have already been demonstrated to significantly understate demand.³⁵ Although factors like visa law changes, currency fluctuations, natural disasters, and wars may pose unexpected challenges, better planning can improve the likelihood that service and security needs are met more consistently and are not subject to extreme disruptions. While annual budget deadlines are based on a two-year planning cycle, the medium-term planning for ensuring needed visa and passport personnel and infrastructure is not a core function in State's travel- and immigration-related processes. New consular officers begin service 18 months after selection, a factor that alone compels more extended planning.

The visa system — as a service vital to the U.S. economy and as a critical security tool — must be accorded more prominence and resources.

More fundamentally, consular planning is almost entirely subordinated to unrelated diplomatic needs. Planning and construction of new embassy and consular facilities is controlled and driven by State's regional bureaus; CA is consulted but does not have decision authority. Embassy building planning procedures lock in projects eight years in advance — too inflexibly to respond to new visa security mandates, business process and technology improvements, and unanticipated shifts in demand.

The Department of Defense conducts periodic strategic reviews to better educate Congress and stakeholders about long-term issues. Recently, the Homeland Security Advisory Committee, approving a recommendation from its Advisory Committee on the Future of Terrorism, recommended that DHS conduct a Quadrennial Service and Security Review of all homeland security threats, assets, plans, and strategies, and DHS is currently implementing this recommendation.³⁶ State's planning for its many functions related to travel and immigration should be elevated to an equally rigorous and independent level, in close coordination with DHS.

35 Change Navigators, Inc., *Consular Affairs Futures Study*, July-September 2005. The study predicted that combined demand for visas for 2007 from China, India, Brazil, and Mexico would be 2,350,437, but demand was actually 3,316,658. For 2006, demand was expected to be 2,359,915, but the actual demand was 2,721,895.

36 Homeland Security Advisory Council, Report of the Future of Terrorism Task Force, January 2007; <http://www.dhs.gov/xlibrary/assets/hsac-future-terrorism-010107.pdf>.

Visa Service

The Department of State should resume domestic re-issuance of visas for business travelers in categories E, H, I, L, O, and P, and expand it to include student (F) and exchange visitor (J) visas, for those visa holders who have remained in status and applied for re-issuance in the same visa classification within six months prior to their status expiring.

In 2004, State suspended its long-time practice of re-issuing or revalidating visas in the United States for certain visa holders.³⁷ The State Domestic Revalidation division processed 64,115 applications in 2003 and 95,065 applications in 2004.³⁸ Since such individuals must now travel to a consular post abroad to re-file their visa applications, backlogs have swelled in some posts in Canada (because of its proximity to the United States), as have costs for employees and employers alike.

A convincing business and security case has not been made for the continued suspension of domestic reissuance for certain low-risk visa categories. State suspended the practice because it lacked the capacity to take fingerprints and conduct interviews domestically. But today numerous options exist for taking fingerprints domestically. Consideration should be given to establishing a dedicated visa reissuance unit, facilitating such processing at border posts, accepting applications including biometrics at the DHS Customer Service Centers, and/or using the kind of outsourced enrollment that CA is seeking to develop in Mexico.

Security issues need not be an obstacle. In addition to the biometric checks, there should be rules-based security screening of initial applications and any

applicants requiring post-issuance review. If there is no indicator of suspicion and the visa is clearly approvable – as a renewal in the same category previously vetted by the U.S. consulate abroad – the interview requirement should be waived. If there is a “hit” on a watch list or other indicator of suspicion, the matter should be reviewed by U.S. Immigration and Customs Enforcement and other appropriate agencies. In such cases, after consultation, the consular officer could either determine that the visa is not clearly approvable and direct the individual to apply overseas, or deny the visa outright.

Under this approach, most visa holders in business classifications likely would be reissued visas readily, as would those students in compliance with the Student Exchange Visitor Information System (SEVIS). For instance, the rejection rate for H-1B visa holders during the last year of active domestic reissuance was 7.6 percent;³⁹ the number of identified security risks among this group is likely to be tiny. With the introduction of an Internet portal for applications and possible outsourced enrollment capability, this small number of rejections should not constrain the work and lives of thousands of legitimate visa holders and their employers. There is the potential that an applicant of concern may prove not to be removable by law, but there is no indication that this risk is so great that it warrants depriving more than 100,000 business and student visa holders a year annually of a highly efficient process.⁴⁰

³⁷ This change affected employees of multinational corporations, treaty traders and investors, highly gifted individuals, and employees brought in by businesses with approval from DHS.

³⁸ Information provided by State.

³⁹ *Ibid.*

⁴⁰ More than 95,065 visa applicants revalidated their visas in 2004, according to State information. If more visa categories were added, revalidation would likely result in more than 100,000 applications.

The Departments of Homeland Security and State should improve collaboration, including establishing a joint Business Process Task Force to set standards for a single enterprise file on businesses that seek to sponsor travel and immigration and/or move goods across U.S. borders and a voluntary Business Movement Service and Security Partnership to facilitate movement of working people and goods.

While State adjudicates visa applications for business travelers (under its immigration authority), DHS is responsible for adjudicating business petitions and some entry visas (under its immigration authority) and qualifies manufacturers to ship goods (under its customs authority). The existing State-DHS screening processes for companies, employees, and short-term business travelers are unnecessarily unpredictable, duplicative, and complex, often depriving CA access to vital information and/or requiring businesses to submit the same information to multiple entities.

A major obstacle to streamlining the process is that the visa application system is electronic whereas the petitioner application system is still a paper system. State and DHS should collaborate to establish a virtual file of businesses, modeled after C-TPAT,⁴¹ which would contain all the data needed by different government entities to meet security, immigration, and trade mandates. This virtual file could become the platform for a business facilitation program, in which companies could opt to keep their file updated in return for more efficient processing for their employees. As a first step, State should grant all posts and DHS electronic access to its files on treaty investors and traders, and DHS should provide direct electronic access to all posts and other agencies to its files on foreign manufacturers participating in C-TPAT. DHS also should develop a virtual file of business petitioners granted and denied petitions to which State will have access. As DHS and State move to electronic applications and petitions, the task force should also ensure that these systems are compatible.

The Departments of Homeland Security and State should fix a longstanding obstacle to reliable business traveler entry from Canada by increasing visa training for CBP officers and establishing an optional pre-travel approval process for qualified Canadian business visa applicants.

Business travel from Canada is another arena where targeted interagency collaboration can remove an unnecessary obstacle to legitimate travel. Canadian business travelers frequently use one of two visas for business travel to the United States, the intra-company transfer visa (L) and the NAFTA Professional (TN) visa. Rules designed to facilitate business travel exempt these visas from being required to be approved at a consular post; Canadian applicants may present their completed documentation at a border port of entry, where CBP officers are authorized to adjudicate the visa. CBP officers, however, are not consistently trained in the practice. Many exhibit little knowledge of the visa's requirements and the applicable business arrangements and relationships, and unduly delay or incorrectly deny entry. Some border crossing posts have instituted a practice of accepting the required forms in advance so as to speed adjudication. This process should be adopted as a best practice at all Canadian border posts. At a minimum, CBP officers at Canadian border posts should be fully equipped and trained to handle all approved visa processes.

The Department of State should ensure that its consular Web sites are helpful, easy to use, and provide consistent guidance to applicants. The sites should be standardized worldwide, with space allocated for local information. State should assign dedicated personnel by region to oversee the Web sites on a regional basis.

Web sites that communicate effectively have the potential to increase efficiency for consular officers and potential business, student, tourist, and other visitors. Clear directions should enable visa

⁴¹ C-TPAT provides approved entities involved with the importation of goods with defined benefits if they meet stringent security criteria. http://www.cbp.gov/xp/cgov/import/commercial_enforcement/ctpat/ctpat_validation/validation_fact_sheet.xml.

applicants to come better prepared, saving them time while also assisting the consular officer in determining the case in a timely and accurate way.

While many consular Web sites are helpful, the level and quality of information provided is uneven and, more importantly, directions are inconsistent worldwide concerning the application process for different types of applicants, what to bring to visa interviews, wait times, and what to do if applicants believe that visas were wrongly denied. While varying local conditions can result in different requirements, the fundamentals do not vary. Content should be standardized as much as possible to permit Web sites to communicate with maximum simplicity, clarity, and consistency.

Achieving clarity and optimum standardization is a deceptively simple task given the complexity of immigration laws and rules and the variety of country circumstances.⁴² Therefore State should make Web site design a higher management priority, including making it a job assignment for personnel dedicated to overseeing Web sites in each of the world's regions, with the authority and capacity to change post websites.

Resources

The Department of State, consulting with the Department of Homeland Security, should commission an internal study to identify options for closing the gap in consular human resources while deepening U.S. government capacity relating to border management through joint service among border and immigration agencies.

The personnel gap in State's visa function was dramatized in 2006 when the U.S. ambassador to India appealed to headquarters for help in reducing an enormous backlog of visa applications. The

backlog was reduced temporarily, but the extra personnel that made that reduction possible were drawn from other posts and then were re-deployed to deal with still other problems that had emerged.⁴³ Across the board, experts, frontline officials, and routine CA metrics all indicate that there are simply too few officers and investigators to fulfill the many the critical roles needed to support visa processing, whether frontline adjudications, supervision, analysis and reporting, investigations, or the public communications and diplomacy associated with visa, passport, and citizen services. This gap is likely to grow with rising demand from China, India, Brazil, and Mexico.

There are significant obstacles to addressing the gap within the current organization and personnel structure of the Department of State. The Foreign Service system requires consular officers to be Foreign Service officers and subordinates hiring of consular personnel to the needs of the diplomatic function generally; it does not treat the Department's visa-, travel- and immigration-related duties as a function demanding independent consideration, much less as a priority. For example, critical personnel shortages arise predictably in the summer months when Foreign Service officers and their families transfer posts. Frequent job changes at entry levels due to rotations and the assignment of junior officers to more senior posts leave a shortage of qualified supervisors.⁴⁴ The consular personnel gap mirrors the lack of attention given to consular facilities. Both are accepted as normal attributes of the diplomatic system.

Today, due to travel and trade globalization and the new security environment, visa, immigration, travel, and related law enforcement functions have become vital to U.S. diplomacy, security, and prosperity. The United States can no longer afford to treat them as a "poor stepchild" of the Foreign Service system. To close the visa personnel gap over the long term, State must fundamentally re-examine its model of hiring, training, promotion, and retention of personnel involved in the mission of travel, border,

42 The SBODAC examined 22 consular Web sites, specifically assessing presentation of information for students, business travelers, and for seeking redress, among other reviews.

43 In the summer of 2007 during peak demand in India, wait times again bounced upwards to more than two months in many places. State has noted that a commitment by the U.S. ambassador to India has been a primary driver in reducing wait times.

44 The Government Accountability Office has consistently pointed out personnel problems: "Long-term Strategy Needed to Keep Pace with Increasing Demand for Visas," <http://www.gao.gov/new.items/d07847>, p. 20 (2007).

and immigration management. Options include adopting various forms of shorter term service. Whatever models are selected, State should work with DHS to identify options for cross-service with other departments and agencies with border-management related responsibilities. Joint service among border and immigration agencies offers a critical means of deepening expertise, improving interagency collaboration, integrating standards and methods across agencies, and, most importantly, offering new career opportunities that can assist in closing the personnel gap in visa, passport, and other travel-related services. In conjunction with cross-service, training in all aspects – security, personal service, immigration law – should be expanded and deepened.

The Department of State should address the need for new consular officers and posts, particularly in large countries with increasing visa demand, and ensure action by elevating the role of consular and other border management personnel planning and consulate construction in State's planning process. The Department also should continue to develop videoconferencing as a way to expand access to consular offices.

Insufficient access to consular offices and an insufficient number of consular officers to staff the visa function are growing concerns. Consular operations were terminated at a number of posts following the end of the Cold War and, in spite of surging visa demand, have not been reinstated: these decisions should be revisited in light of new sources of global competition. Visa applicants in large countries with significant economic growth such as India, China, Brazil, and Mexico have been the most likely to experience long delays in recent years

– sometimes well over 100 days.⁴⁵ Visa applicants often have to travel hours or days to reach a U.S. consular post. It is evident from wait time data, and State has acknowledged, that the existing consular network cannot be relied upon to handle the demand. One reason for the looming deficiency is that countries may be seen by State as having adequate diplomatic representation and facilities. Visa access, however, should be taken into consideration as well as foreign policy factors when determining resource needs. The access problem arises in part from Congress's requirement that even repeat visa applicants applying for visas in the same visa category be interviewed (rather than being part of a registered traveler regime involving domestic revalidation), and in part from the need for fully secured U.S. consulates for visa issuance. China presents a significant challenge because visas issued to Chinese citizens are of particularly short duration (due to U.S. adherence to a rule of reciprocity that requires U.S. visas to mirror Chinese visa rules), creating a higher percentage of repeat, recently approved applicants.

A combination of additional facilities and personnel, new technology, and new visa processes will be required to address demand in India, China, Brazil, and Mexico. Under the Rice-Chertoff Initiative, DHS and State agreed to test the use of videoconferencing technology as one potential tool by which to address the distance factor in large countries. Such technology has the potential to greatly increase accessibility if appropriate standards can be met. A number of legal and business process issues have constrained progress in this area, but State should continue to explore this proposal, design and execute a pilot program to test videoconferencing, and work with Congress to implement its use if successful.⁴⁶

45 Data collected from http://www.travel.state.gov/visa/temp/wait/tempvisitors_wait.php. The testimony of Elizabeth C. Dickson, U.S. Chamber of Commerce, presents a sample of the delays in 2006: http://www.uschamber.com/issues/testimony/2006/060404_consular_processing.htm.

46 The consolidated appropriations bill for FY2008, H.R. 2764, contains \$5 million for expanding access to consular operations. See H. Rpt. 110-497 at 441.

The Department of State should seek a change in its visa operations funding mechanism to add a specific appropriation to the current fee-based financing in order to fund innovation, pay for national security requirements, and to provide flexibility in responding to surges in demand for consular services. Increases in fees should not be instituted without consideration of the impact on demand and should be accompanied by public communications campaigns.

The recent fee increase of nearly a third, from \$100 to \$131, coming during a peak travel season highlights the problems with Congress's fee-based funding for visa operations.⁴⁷ Partly paying for FBI fingerprint processing and partly for CA costs, including costs incurred but not charged since 2004, the increase imposes a financial burden on visa applicants beyond State's current costs. Allocating costs of other agencies to their own budgets and establishing an appropriation to afford State the flexibility to handle unexpected events such as the 2007 surge in passport demand would reduce necessary fee increases and any impact on demand for visas.

Visa Review and Redress

Unlike other administrative decisions, which are subject to formal review processes, consular officers are granted nearly unfettered authority to make visa decisions. Supervisory review is mandated for only a fraction of decisions, and the process is entirely internal. In many cases, problems in visa processing are compounded by the applicants' inability to obtain explanations for decisions and the lack of clear channels for pursuing redress other than reapplication requiring another payment of the full application fee.

The lack of more formal review mechanisms is an anomaly from a legal and business management perspective, and there is a widespread perception that the absence of accountability results in unnecessary

mistakes. Today's visa process is not necessarily more error-prone than in the past, however the omnipresence of telecommunications and news media, as well as enhanced global competitiveness, magnifies the impact of actual and perceived errors.

While any specific category of error may be small, their impact can be great on individuals and specific groups, and on the cumulative perception of the process. State therefore should take a series of steps to improve the visa review and redress processes in order to address individual applicants' cases more effectively, improve overall outcomes over time, and project the U.S. commitment to fairness for all applicants.

The Departments of Homeland Security and State should continue to improve the reliability, responsiveness, and integration of processes to ensure that visa-related errors in the consular and port-of-entry systems are corrected in a timely and effective manner.

DHS has instituted two processes of error correction at ports of entry: the Primary Lookout Over-Ride (PLOR) system that DHS officials use to correct their databases for individuals whose names are falsely identified as security risks; and, working closely with State, the Traveler Redress Inquiry Program (DHS TRIP), which travelers may initiate.⁴⁸ Visa applicants may seek correction of errors in State's database through TRIP, in addition to existing means of contacting CA in Washington and abroad. DHS TRIP appears to be a sound program, but its impact is still being ascertained. Concerns have been raised concerning how well the program has been promoted, the time it takes applicants to be processed, and the adequacy of processes to ensure errors are communicated across agencies. The systems, however, are still new and insufficiently reliable, responsive, and integrated. For example, when a CBP officer corrects a problem in CBP's own lookout system, the consular officer's original notes

47 U.S. Department of State Media Note, <http://www.state.gov/r/pa/prs/ps/2007/dec/97384.htm>.

48 DHS TRIP was launched in 2007 and had received over 15,000 applications as of November 2007, approximately half of which had been successfully resolved for travelers being identified as not a security risk for future screening encounters. Testimony of Kathleen Kraninger, U.S. House of Representatives Committee on Homeland Security, "The Progress and Pitfalls of the Terrorist Watch List," <http://hsc.house.gov/SiteDocuments/20071108115306-23047.pdf> (November 8, 2007).

in State's own system remain unchanged and so will still reflect a problem. Consular officers in an excess of caution sometimes still rely on the outdated notes, insisting on additional checks despite an explanatory letter issued by CBP or the lack of any derogatory information in the CBP database. To prevent such circumstances, DHS officials should be allowed to enter their most recent findings in a special area of the Consular Consolidated Database so that consular officers receive timely information and a point of contact. In general, State and DHS should continue to review CA and DHS databases and redress processes to better communicate and respond to errors.

The Department of State should establish and publish a process to permit correction of technical errors on issued visas by mail rather than in-person appearance.

If a consular officer issues a visa with a technical error, such as a misspelled name, a faulty duration of the visa, or a wrong visa category, the applicant often has to present themselves again in person to the consular post to have the error corrected. This is especially burdensome in countries where an applicant must travel a long distance. Electronic systems may reduce the incidence of and increase the ease of correction of technical errors, but in the interim, State should take greater responsibility for correction of its technical errors, such as encouraging the use of couriers to receive and deliver corrected documents.

The Department of State should monitor and compile results of supervisory reviews — by adjudicator, visa category, post, country, and globally — to ensure that supervisory reviews of adjudications are conducted in a timely, consistent, and complete manner, and to derive lessons learned and set benchmarks to improve outcomes over time.

Current rules require supervisory personnel to review a minimum of 10 percent of issuances a day and 20 percent of overall refusals based on certain criteria

and assisted by randomized computer selection. The findings from these reviews should be documented and analyzed annually. A systematic analysis over time would allow for a clearer diagnosis of problems and would inform ways to fix them through new processes, training, structures, regulation, or law. Until early 2007, 100 percent of refusals were reviewed.⁴⁹ An ongoing assessment of supervisory reviews may show that this practice should be restored to improve the quality of decision-making.

The Department of State should provide written reasons to applicants who are denied visas based on their failure to disprove their intent to immigrate and should restore the practice of stamping passports to indicate such denials for the benefit of DHS frontline inspectors.

Nearly 78 percent of applicants for business or tourist visas to the United States are granted, while 22 percent are rejected.⁵⁰ Almost all rejections occur because applicants have failed to satisfy the adjudicating officer that they comply with specific visa terms of the visa classification for which they are applying; a relative few are denied due to a specific security concern, such as a criminal violation. The consular officer may be concerned by the lack of a residence abroad, incongruous interview answers, or inadequate documentation. Consular officers provide applicants with refusal letters that explain in a generalized way the basis for denial under the law. However, the high-level explanation when given is often unclear. It is imperative that the consular officer provide an articulate explanation both orally and in writing so that the applicant understands the basis for denial. Although this involves extra time up front, the practice could have the ancillary benefit of cutting down on post-decision contacts from applicants and their representatives. A high incidence of fraud in certain countries is not a reason to deny clear explanations to applicants who may legitimately follow up. State recently ended its practice of stamping the last page of passports with an "application received" stamp indicating that a visa was denied. Such stamps functioned as a helpful back-up system for

49 Procedures on new Supervisory Review Process from a State cable issued to all consular posts in June 2007.

50 Information provided by State on B-1, B-2, and B-1/B-2 visa overall issuances and refusals for 2007.

visa applicants not receiving or understanding the reason for a visa denial. By providing information to CBP officers who do not routinely take extra time to access State databases, the stamps also reduce the risk of people being admitted erroneously or being restricted in bona fide travel in the future.

The Department of State should study and report to Congress on options to establish administrative review of consular visa decisions.

For more than 40 years State has viewed its governing statute, case law, and practical realities as requiring it to adhere to a practice of not providing any administrative review options for individuals whose visa applications are denied. Yet Australia and the United Kingdom do provide for such review in some cases.⁵¹ A fuller airing of the pros and cons of such review could help strike a better balance among security, efficiency, and fairness.

Improved Risk Management and Public Reporting

CA employs risk management tools that are partly under its control and partly under other agencies' control. Both sides of the risk management equation, internal and external, have some distance to go before reaching an optimal level to meet security and service needs, and to respond effectively to negative public perceptions. Use of automated checks, more analysis and feedback, public reporting, and dropping what does not work are all needed.

Once the visa application process is made fully electronic, the Department of State should institute a rules-based review that pre-screens applications before they are transmitted to adjudicating officers.

Unpredictable and prolonged delays for visa adjudication are major sources of frustration to the tourism industry and the broader business

community. While the visa process is inevitably responsive to local circumstances, modern information management practices, such as automated information analysis and rules-based decision-making, can make the visa process much more efficient, particularly in the security arena. State should continue its efforts to design and implement programs for advance screening of visa applications. The screening rules should be continuously reassessed and adjusted in response to conditions in particular countries and posts. A rules-based system is likely to expose additional problems and effectively drive the development of specialists in particular kinds of problems, such as false supporting documents or front companies. Such specialization is needed to improve the quality and efficiency of the visa process, including for security purposes.

The Department of State should conduct "validation studies" more frequently, build the results into automated decision-support systems, and use the results as benchmarks against which to measure and report on improvements.

Validation studies are conducted by consular officers at particular posts to assess the level of compliance by visa-holders with the terms of the visas issued to them. Consular officers, for example, conduct telephone surveys to see if visa-holders have returned within the permitted period. Especially in the absence of an automated exit tracking system, validation studies are an important tool for determining accurate information about the compliance of specific groups of applicants. Such studies should be supported centrally, conducted regularly and at a rigorous standard, and the results should be built into automated decision-support systems.

⁵¹ Australia's Migration Review Tribunal (<http://www.mrt-rrt.gov.au>) and the United Kingdom's Asylum and Immigration Tribunal (<http://www.ait.gov.uk>) are statutorily created bodies, both of which hear appeals from certain categories of visa applicants.

The Department of State should conduct special validation studies to address important risk-management issues, report the results publicly, and use them to support public diplomacy by assertively dispelling myths about U.S. visa practices.

Discontent with the conditions for travel to the United States has been a prominent issue in U.S. diplomacy and should be answered. When specific classes of cases become the subject of widespread speculation or rumor – for example, that grandparents cannot obtain visas, or that women or men are disproportionately denied visas – there may be clear explanations and/or quick fixes. But absent credible documentation, the rumors and problems will persist. State has indeed improved the visa process in many countries; it should continue to inform the public of such changes and improvements. But additionally, the results of properly designed countrywide, regional, or worldwide validation studies should be used to support diplomacy by publicly correcting misunderstandings and reporting publicly on the basis for decisions.

The Departments of Homeland Security and State should institute a system to measure, assess, and continuously improve security procedures used in the visa process, and report annually to the National Security Council on security process cost-effectiveness and improvements.

Security concerns are and will continue to be central to the visa process. But six years after 9/11, certain security processes still impose excessive and extraordinary delays on many legitimate travelers to the United States. The security measure that causes the most frustration for business and pleasure travelers is the congressionally mandated requirement to interview 100 percent of all applicants – even those who are

long-term, frequent business travelers reapplying for the same business category visas. While all first-time visa applicants must be interviewed, the introduction of the new 10-fingerprints check with greater access to FBI criminal records affords an opportunity to eliminate subsequent interviews for some travelers in the same exact visa classification. Unless State can demonstrate that successive interviews of repeat travelers in the same visa category are in fact yielding critical information, greater use should be made of permissible waivers, and State should work with Congress to craft a more risk-based interview requirement.

Another source of delay and frustration are the “Mantis,” “Donkey,” and “Condor” security advisory opinion (SAO) checks.⁵² These apply to fewer cases – fewer than three percent of all visa applicants undergo them – but when they give rise to misplaced reviews, excess delay, or actual error the deleterious impact on individual lives can be considerable. State and DHS have established an interagency requirements review board to better analyze and target SAO screening criteria, and State has made significant improvements to process and technology to expedite and regularize these processes. However, the Condor check, established to detect terrorists, has subjected thousands of applicants to delays without detecting a single terrorist. More should be done to increase the training, timeliness, and cost-effectiveness associated with screening processes, including a rigorous annual State-DHS assessment reviewed by the NSC.

⁵² The various SAO reviews subject a visa application to an interagency review in Washington, rather than the consular official adjudicating a visa at a particular post. Mantis refers to applicants with specialized scientific skills. Donkey refers to applicants from certain countries sparking concerns regarding state sponsors of terrorism, export controls, and espionage. Condor refers to applicants born in a classified list of countries with a high risk of terrorism.

Ports of Entry

DISCUSSION

Since September 11, 2001, the United States has implemented many new laws and regulations aimed at improving border security, which has had major impacts on passenger perceptions and actual experiences at U.S. Ports of Entry (POEs). While many of these measures have been necessary in order to improve security, the consequent changes in passenger processing, uneven implementation, insufficient staffing, and poor communications have caused many foreign travelers to feel confused, offended, and/or apprehensive about what they will encounter at U.S. POEs.

As the U.S. Travel and Tourism Advisory Board observed in its September 2006 report, *Restoring America's Travel Brand*, negative perceptions regarding real and perceived experiences at U.S. borders are playing a significant role in deterring prospective travelers to the United States.⁵³ A survey conducted by RT Strategies and released by the Discover America Partnership in January 2007 concluded that foreign travelers rank the United States as having the world's worst entry process.⁵⁴ Interviewees expressed concern about

their potential treatment during entry processing and the risk of being detained due to simple errors. In short, traveling to the United States is becoming viewed as at least an uncertain, potentially unpleasant experience and at worst a major hassle.

Expanding U.S. Government Requirements

In addition to the difficulty of obtaining U.S. entry visas discussed above, the uncertainty for prospective travelers has been heightened by the plethora of new U.S. security programs built into the airline process, new identity document standards, and new biographic and biometric data requirements. These measures include, but are not limited to:

- Requirements for machine readable, biometric, and RFID-enabled "e-passports";⁵⁵
- Collection of expanded Advanced Passenger Information System (APIS) data elements and Passenger Name Records (PNRs);⁵⁶

53 U.S. Travel and Tourism Advisory Board, *Restoring America's Travel Brand: National Strategy to Compete for International Visitors*, September 5, 2006, http://www.tinet.ita.doc.gov/TTAB/docs/2006_FINALTTAB_National_Tourism_Strategy.pdf.

54 Discover America Partnership, "A Blueprint to Discover America," January 31, 2007, http://www.poweroftravel.org/pdf/DAP_blueprint.pdf.

55 U.S. Department of Homeland Security, Visa Waiver Program: Passport Requirements Timeline, http://www.dhs.gov/xtrvlsec/programs/content_multi_image_0021.shtm.

56 U.S. Department of Homeland Security, Electronic Transmission of Passenger and Crew Manifests for Vessels and Aircraft, 70 Fed.Reg. 66, (April 7, 2005), <http://a257g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/pdf/05-6523.pdf>; Passenger Name Record Information Required for Passengers on Flights in Foreign Air Transportation to or From the United States, 67 Fed.Reg. 122 (June 25, 2002), http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=02-15935-filed.pdf.

- The National Security Entry-Exit Registration System (NSEERS), which requires visitors from designated countries to be fingerprinted, interviewed, and photographed at secondary processing areas at POEs;⁵⁷
- US-VISIT Entry, which requires the capture of fingerprints and digital photos from most foreign visitors upon arrival at POEs; and⁵⁸
- The Western Hemisphere Travel Initiative (WHTI), which ended or will end the ability of Americans, Canadians, and Bermudian citizens to enter or reenter the U.S. without formal travel documents and is being currently implemented in phases.⁵⁹

Traveling to the United States is becoming viewed as at least an uncertain, potentially unpleasant experience and at worst a major hassle.

While there are good security rationales behind these initiatives, three points about them are worth bearing in mind. First, they generate the sense of an ever-tightening set of U.S. entry requirements that can create problems for entirely lawful would-be visitors. Second, due to the focus on personal information about travelers, U.S. entry requirements create genuine and often well-publicized privacy concerns, such as the reaction of some in Europe to the E.U.-U.S. PNR agreements in 2004, 2006, and 2007.⁶⁰ And third, with all of the new measures to vet travelers

before their arrival, why cannot entry into the United States be made simpler and more welcoming?

Meanwhile, the U.S. government is planning to implement further requirements that are intended to improve the security of the entry process. Great care must be taken so that these requirements actually enhance security and not add undue hassles or confusion. For example, U.S. Customs and Border Protection (CBP) will require pre-departure data under the Advanced Passenger Information System (APIS) in February 2008.⁶¹ In addition, visitors from Visa Waiver Program (VWP) countries will be required to obtain an Electronic Travel Authorization (ETA) after completing a questionnaire before they plan to travel.⁶² The implementation details have not yet been developed, but some press reports have contained erroneous information, highlighting the need for vigilance and accuracy in government communications.⁶³ Lastly, DHS has announced it will introduce US-VISIT Exit at U.S. airports by December 2008 — an entirely new process that most departing foreign visitors will have to complete.⁶⁴

Even domestic security programs must be evaluated for impacts on foreign travelers. For instance, the Transportation Security Administration (TSA) has a rulemaking in progress for the Secure Flight program, which proposes that airlines forward passenger data to TSA approximately 72 hours before flight departures to compare against appropriate watchlists.⁶⁵ These new requirements could mean that travelers who make reservations on short notice — disproportionately business travelers including international visitors — will encounter more problems in traveling domestically as well as internationally.

57 U.S. Department of Homeland Security, Fact Sheet: Changes to National Security Entry/Exit Registration System (NSEERS), December 1, 2003, http://www.dhs.gov/xnews/releases/press_release_0305.shtm.

58 U.S. Department of Homeland Security, Fact Sheet: US-VISIT, http://www.dhs.gov/xnews/releases/pr_1160495895724.shtm.

59 U.S. Department of Homeland Security, Western Hemisphere Travel Initiative: The Basics, <http://www.dhs.gov/xtrvlsec/crossingborders/whtibasics.shtm#content>.

60 69 Fed. Reg. 131, July 9, 2004; http://useu.usmission.gov/Dossiers/Data_Privacy/Jan0407_PNR_Federal_Register.asp; <http://www.dhs.gov/xlibrary/assets/pnr-2007agreement-usversion.pdf>.

61 U.S. Customs and Border Protection, Advance Electronic Transmission of Passenger and Crew Member Manifests for Commercial Aircraft and Vessels, August 23, 2007, <http://a257g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/pdf/E7-15985.pdf>.

62 Public Law 110-53, Section 711.

63 Michelle Jana Chan, "48-Hour Warning," August 6, 2007, <http://www.cnn.com/2007/TRAVEL/business.travel/08/06/biztrav.48hours/index.html>; Letter from Bill Connors, Chief Operating Officer, National Business Travel Association, to Secretary Chertoff, October 17, 2007, <http://www.nbta.org/NR/rdonlyres/3C61543A-5A52-494C-BF5E-3461B4DC8680/0/NBTALettertoDHSreETA.pdf>.

64 Testimony of Robert A. Mocny, Director, US-VISIT program, and Robert Jacksta, Executive Director, Traveler Security and Facilitation, Office of Field Operations, U.S. Customs and Border Protection, U.S. Department of Homeland Security, to the Subcommittee on Border, Maritime, and Global Counter Terrorism, House Committee on Homeland Security, "US-VISIT Exit: Closing Gaps in Our Security," June 28, 2007, <http://hsc.house.gov/SiteDocuments/20070628154438-18461.pdf>; "DHS to issue plan for US-VISIT Exit program by January," FCW.com, October 18, 2007, <http://www.fcw.com/online/news/150554-1.html>.

65 Transportation Security Administration, Secure Flight Program, http://www.tsa.gov/what_we_do/layers/secureflight/index.shtm.

Challenges at Airports

Since 9/11, CBP officers have intensified their scrutiny of arriving passengers. They are required to perform additional tasks (e.g., NSEERS and US-VISIT Entry requirements) while also facing growing traffic, including Americans returning home and a recovery in overall international travel to the United States, supported by the low value of the dollar.⁶⁶ Some changes increase the amount of time CBP officers spend on average with each passenger, leading to congestion in Federal Inspection Services (FIS) facilities, and exacerbating the underlying and historically inadequate FIS staffing at U.S. POEs. CBP often uses overtime funds to mitigate the shortfall in CBP staffing during peak periods. However, their own analysis shows that CBP does not have enough officers to staff 19 of the top 20 U.S. airports adequately.⁶⁷

As CBP does not have enough officers to assure staffing of all primary lanes during peak arrival times, passengers (especially foreign travelers) may be forced to wait in long lines in the FIS area and sometimes are confined to the arriving aircraft until space opens up in the inspection facilities. Delays in CBP processing also can cause passengers to miss connecting flights. While technology has increased security and facilitation, breakdowns can trigger disastrous consequences, such as the failure of the CBP computers on August 11, 2007, at Los Angeles International Airport, which resulted in long delays for arriving international passengers.⁶⁸ These experiences harm the passenger, the airport, and the airline and create an unfavorable impression of the United States.

CBP staffing shortages result not only in long wait times during peak periods but also in airlines not being able to schedule flights they would have otherwise operated during off-peak, early morning, or late evening hours. New flights cannot be initiated or added if CBP officers are not available to accommodate the passengers. Insufficient CBP staffing undermines the U.S. international policy goal of expanding air service and the economic growth that comes with it. Open Skies air liberalization agreements⁶⁹ can “open” skies only when there are CBP officers available upon landing.

In addition, the introduction of US-VISIT Entry has increased the workload and “touch time” that CBP officers are required to spend with most foreign visitors. The implementation of US-VISIT Entry went fairly smoothly since it was built on the arrivals process and adds only 10-15 seconds to the time a CBP officer spends with a foreign visitor.⁷⁰ Unfortunately, even this small marginal increase translates into increasing the overall time it takes to process foreign visitors and thus increases the congestion in the FIS area.

DHS announced that it plans to phase in the capture of ten fingerprints upon entry for first-time passengers from Visa Waiver Program (VWP) countries, beginning with pilots at 10 airports beginning in November of 2007.⁷¹ Repeat VWP visitors or those traveling with U.S. visas will have their biometrics verified upon arrival. Many travel industry stakeholders have supported this move, as it will reduce the number of fingerprint “false positives.”⁷² The change, however, may further increase the processing time per foreign visitor, the overall processing time for foreign visitors, and congestion in the FIS area.

66 U.S. Department of Commerce, Office of Travel and Tourism Industry, http://www.tinet.ita.doc.gov/outreachpages/download_data_table/Historical_arrivals_2000_2006.pdf.

67 Discover America Partnership, “A Blueprint to Discover America,” January 31, 2007, http://www.poweroftravel.org/pdf/DAP_blueprint.pdf; see also 2008 Department of Homeland Security Appropriations bill, H.Rpt. 110-181, p. 28.

68 Amanda Beck, “Computer Glitch Causes Delays at LAX,” *Washington Post*, August 12, 2007, <http://www.washingtonpost.com/wp-dyn/content/article/2007/08/11/AR2007081101502.html>.

69 Emma Clark, “Open Skies for Business,” CNN, August 22, 2007, <http://www.cnn.com/2007/TRAVEL/08/21/BT.openskies/index.html?iref=newssearch>.

70 “US-VISIT Transition to 10-Fingerprint Collection,” Robert A. Mocny, Director, US-VISIT Program, Department of Homeland Security, and Paul Morris, Director of Admissibility and Passenger Program, Office of Field Operations, U.S. Customs and Border Protection, November 20, 2007, <http://fpc.state.gov/fpc/96128.htm>

71 U.S. Department of Homeland Security, “DHS Begins Collecting 10 Fingerprints from International Visitors at Washington Dulles International Airport,” December 10, 2007, http://www.dhs.gov/xnews/releases/pr_1197300742984.shtm.

72 Mimi Hall, “Customs to Collect Full Sets of Visitors Prints,” *USA Today*, December 2, 2007, http://www.usatoday.com/news/nation/2007-12-02-fingerprints_N.htm.

DHS also has announced that it will require airlines to capture fingerprints of departing foreign visitors during check-in at U.S. airports beginning in 2008.⁷³ Much of the travel industry supports the concept of US-VISIT Exit, as it is tied to VWP expansion under recent congressional legislation.⁷⁴ However, implementation of this requirement at check-in counters could cause significant disruptions. U.S. airlines have objected to being given a responsibility that they regard as an inherently governmental function.⁷⁵ Considering the airlines' position and the fact that the rule-making process has not started officially, this proposal represents a significant concern for impacted foreign visitors, especially if DHS seeks a 2008 implementation schedule.

Nearly one-third of international arrivals to the U.S. must take a connecting flight to reach their final destination.⁷⁶ Once these passengers have cleared through CBP processes, they must obtain their checked luggage, plan for additional regulations (e.g., rules on liquids and gels), and undergo a TSA re-screening process before continuing to their connecting flight. This process affects not only connecting passengers but also other international arriving passengers who may be forced to wait in the FIS area because of congestion in the TSA screening area.

Meanwhile, the current requirement that the TSA re-screen bags from arriving international flights is often redundant, particularly in the case of baggage arriving from Canadian and other pre-clearance points (airports where U.S. inspection services are in operation). The bags already have been screened at the foreign departure airport and transported on the arriving international flight. This duplication impedes the efficient use of limited TSA and CBP resources and degrades the visitor's arrival experience.

Challenges at Land Ports of Entry

The policies and procedures designed to facilitate secure trade and travel at land border crossings have changed dramatically in recent years. Like the changes at airports, the land border changes have impacted legitimate trade and commerce, especially considering the enormous growth in North American trade and traffic. The infrastructure at our border crossings has not kept up in most locations, with the increased volume of trade and travel.

DHS and State have deployed programs designed to facilitate legitimate travelers, including a series of trusted-traveler programs: NEXUS for U.S.-Canadian travel, SENTRI for U.S.-Mexican travel, and FAST for truckers. However, the challenges in years ahead related to WHTI implementation at the land borders and possibly to U.S.-VISIT Entry and Exit for land travelers pose significant risks to the normal flow of travelers and traffic upon which our communities and businesses have learned to depend.

RECOMMENDATIONS

Airports

The Department of Homeland Security should establish a pilot program for International Registered Travelers as soon as possible and promptly expand the program to the top 20 international airports.

International Registered Traveler (IRT) programs have the potential to enhance security and facilitation by expediting the clearance of low-risk, pre-screened passengers and by freeing CBP officers to focus on passengers who have not been vetted. The governments of Germany, Netherlands, and the

73 Moony and Jackstra testimony, see fn. 64.

74 Public Law 110-53, Section 711.

75 Testimony of James C. May, President and Chief Executive Officer, Air Transport Association of America, to the Subcommittee on Border, Maritime, and Global Counter Terrorism, House Committee on Homeland Security, "US-VISIT Exit: Closing Gaps In Our Security," June 28, 2007, <http://hsc.house.gov/SiteDocuments/20070628154235-32274.pdf>.

76 U.S. Department of Transportation Air Carrier Traffic Data, <http://www.bts.gov>.

United Kingdom have successfully implemented IRT programs.⁷⁷ CBP itself, working with the Canada Border Services Agency, has successfully rolled out an IRT program, NEXUS, for U.S. and Canadian citizens, permanent residents, and lawful temporary residents to be admitted into the United States at Canadian pre-clearance airports.⁷⁸

CBP has been working informally on a new U.S. IRT program to replace the defunct INSPASS program. However, deployment of this new program, sometimes referred to as US-PASS, has been stalled for several years. Therefore, CBP should implement a pilot program as quickly as feasible to test an IRT program at the two “model” airports, Houston’s George Bush Intercontinental Airport (IAH) and Washington Dulles International Airport (IAD), as well as JFK International Airport, which already has the appropriate kiosks. CBP should engage in meaningful, expedited consultations with airports and airlines about the preparation, implementation, and evaluation of the IRT pilot program and how to expedite the roll-out of the program to other U.S. airports, particularly the top international airports, as required by recent congressional legislation.⁷⁹ DHS should also negotiate reciprocity with foreign nations with which the U.S. has aviation agreements, particularly those that already have IRT programs. The governments of Dubai, Hong Kong, and the United Kingdom recently demonstrated the viability of an international approach to IRT.⁸⁰ Finally, other applications of IRT should be considered based on demonstrable security and facilitation benefits.

The Departments of Homeland Security and State should accelerate and expand the Model Ports Program and fully include the Transportation Security Administration to eliminate redundant re-screening of baggage and passengers.

The Rice-Chertoff Model Ports of Entry airport program, which is being led by CBP and carried out at IAH and IAD, has made progress in improving the arrival process and identifying policy recommendations. The airports, airlines, and other private-sector participants are also bringing their insights and resources to bear. The program includes instructional and informational videos,⁸¹ enhanced customer service training for CBP officers, queue management strategies, improved staffing models, and improvements in location and content of signage.⁸²

Recent congressional legislation requires CBP to expand the Model Ports program to the top 20 international arrival airports.⁸³ CBP should take steps such as the CBP video and signage improvements in all such 20 airports now. In addition, DHS should accelerate its Model Ports effort so that more ideas can be tested at IAD and IAH and then, if successful, can be modified and rolled out to other airports and POEs. However, the Model Ports program should not be seen as precluding the Departments and their component agencies from testing ideas at other U.S. airports.

77 The U.K. operates the Iris Recognition System in which enrolled passengers can enter the U.K. through automated immigration control barriers, <http://www.ind.homeoffice.gov.uk/applying/iris/>. Germany offers frequent travelers the option of enrolling in Automated and Biometrics-supported Border Controls, <http://www.oki.com/en/press/2004/z03084e.htm>. The Privium program operated at Schiphol Airport allows frequent travelers a number of benefits, including a priority security line, http://www.schiphol.nl/media/portal/privium/pdf/pdf_files/Update17_EN_def_v1_m56577569830816799.pdf.

78 U.S. Customs and Border Protection, NEXUS Program, http://www.cbp.gov/xp/cgov/travel/trusted_traveler/nexus_prog/.

79 H.R. 2764, Section 565, H.Rpt. 110-487 at 253.

80 “miSense: Biometrically enabled access control trial at Heathrow Airport 2006/07 Summary Report,” http://www.misense.org/documents/miSense_summary_report_v.1_June_2007.pdf.

81 In October 2007, the Walt Disney Company presented State and DHS with a “Welcome to America” video now being displayed at CA posts and Model Ports airports, http://blogs.state.gov/index.php/entires/disney_video/. Also, Business for Diplomatic Action provided the “I Am America” video to State for use in CA posts, http://www.businessfordiplomaticaction.com/news/press_release.php?id=5790.

82 U.S. Customs and Border Protection, “CBP Launches Nation’s First ‘Model Port’ at Houston Intercontinental,” April 4, 2007, http://www.cbp.gov/xp/cgov/newsroom/news_releases/042007/04042007_2.xml.

83 Public Law 110-53, Section 725. The consolidated appropriations bill for FY08, H.R. 2764, includes \$40M for the Model Ports program. <http://www.rules.house.gov/110/text/omni/jes/jesdive.pdf> at 13.

In addition, while the Model Ports task force has identified the TSA re-screening process as a significant area of focus, TSA has not to date identified a lead official to manage this aspect of the project. As part of an evaluation of the effectiveness of the rescreening process, DHS should measure the queuing time at the TSA checkpoints for international connecting passengers at major U.S. airports.

Wherever possible, the redundant requirement to re-screen checked bags from international connecting flights should be removed. Re-screening checked baggage from Canadian and other pre-clearance points and Mexico, should stop by June 30, 2008, as called for in a joint statement by the leaders of Canada, Mexico, and the United States in August 2007.⁸⁴ Then, re-screening checked baggage from the European Union should stop by the end of 2008, and from the rest of the world, where appropriate, by the end of 2009. DHS should work with its foreign partners and industry to leverage technology and the growing passenger database to eliminate re-screening of arriving international passengers who do not enter any public areas of the U.S. airport by the end of 2010.

In the meantime, it would be helpful to develop clear and effective communications processes so that visitors understand how to navigate the re-screening process. CBP has taken steps to address this need through an instructional video and improved signage. DHS should also examine the feasibility of creating a process before the re-screening point to allow international passengers to re-pack liquids and gels prior to arriving at the TSA checkpoint.

The Department of Homeland Security should continue to improve security performance while reducing the average amount of time CBP officers spend with each traveler to less than pre-September 11 levels and staff POEs sufficiently to complete primary inspection of foreign passengers in less than 30 minutes by December of 2009.

DHS should review its screening programs to find ways to reduce the “touch time” that each CBP officer spends with each passenger, while preserving security. This change would relieve some of the pressure on individual CBP officers, CBP staffing requirements, and congested FIS facilities. DHS can accomplish this by leveraging technology and eliminating duplicative procedures. For example, DHS should eliminate the paper I-94 Arrival-Departure Record because CBP is already collecting the data electronically.⁸⁵

The Department also should consider eliminating the NSEERS process for arriving foreign visitors from designated countries. NSEERS is intrusive and time-consuming, not only for the travelers but also for CBP officers. These visitors already have been interviewed and fingerprinted by CA before being issued a visa; their fingerprints and digital photos could be confirmed during the US-VISIT Entry process, and any particular traveler could be referred for secondary screening.

In addition, DHS should seek and Congress should allocate the funding needed to provide defined levels of service for arriving U.S. and foreign travelers at current and any new U.S. POEs that are needed to handle traffic loads. DHS should establish a performance standard that foreign travelers and returning U.S. residents be processed through CBP primary inspection in 30 minutes or less at U.S. airports and pre-clearance airports. Even though clearing passengers into the United States is a national security function, there has been little or no increase in general fund contributions to CBP staffing at airports, in sharp contrast to the substantial additional funding that has been allocated

⁸⁴ Joint Statement by Prime Minister Harper, President Bush and President Calderón, Montebello, Quebec, Canada, August 21, 2007, <http://www.whitehouse.gov/news/releases/2007/08/20070821-2.html>.

⁸⁵ The transition from the collection of two fingerscans to ten for first-time visa applicants or VWP traveler and verification of four fingerscans on subsequent arrivals is cited by DHS as a means to reduce delays for travelers. This transition was scheduled to be nearly completed at consular posts by the end of 2007 and began at domestic arrival airports on December 10, 2007, http://www.dhs.gov/xnews/releases/pr_1197300742984.shtm.

to the Border Patrol. International air passengers pay three user fees (Immigration, Customs-COBRA, and Agriculture), yet CBP staffing at airports is insufficient to meet travel demand. Congress and DHS should rectify the funding and staffing situation by 2010 without increasing passenger fees, so that the lack of CBP staffing will not prevent a community from obtaining and expanding international transportation links that airlines are willing to provide. CBP should consult with the industry on its Resources Allocation Model to assure that all factors that affect workload, including local conditions, are considered.

The Department of Homeland Security should insert US-VISIT Exit into the airport visitor departure process without degrading the travel experience.

The implementation of US-VISIT Exit will be a challenge for the federal government and industry because it will insert a new process where previously there were no requirements and new equipment where space is scarce. DHS has proposed that airlines be required to capture the departing visitors' fingerprints in check-in areas at U.S. airports.⁸⁶ The airlines have expressed opposition to this proposal because they view it as an inherently governmental function.⁸⁷ Moreover, this proposal has the potential to create security risks if the exit process results in long lines in the check-in area prior to TSA screening.

US-VISIT Exit should be integrated into the passenger's normal departure process, be implemented in full consultation with industry stakeholders, and be funded and performed by the U.S. government. The process should not burden airports or airlines, particularly smaller airports and airlines that will be forced to implement US-VISIT Exit even though they do not have international departures. DHS and/or the U.S. Government

Accountability Office (GAO) should conduct a comprehensive study to analyze all the options, costs, and benefits available from implementing US-VISIT Exit and share the results of that study with affected stakeholders for their review and comment.

In particular, DHS should give careful consideration to the proposal to utilize domestic Registered Traveler kiosks capable of scanning identification documents and collecting biometrics to handle the exit function for US-VISIT. This proposed solution may address the concerns of both the airlines and TSA.

Land Borders

The Department of Homeland Security should continue to improve security performance while pursuing reduced border wait-times through improved infrastructure and increased staffing following discussions with Canadian and Mexican governments and industry.

DHS should reach agreement as soon as possible with industry and its Mexican and Canadian counterparts to adopt common metrics for border wait-times. Industry and CBP data vary widely, with industry generally showing much longer wait-times than DHS/CBP data, especially for the most extreme delays. These discrepancies need to be reconciled to assess the severity of delays, their causes, and possible solutions.

In order to have useful metrics, CBP should improve its ability to collect data on wait-times for commercial and passenger vehicles. CBP measurements typically do not include time beyond that spent in the primary inspection lane (PIL), such as time spent on backed-up roads approaching the PIL or time spent after the PIL, including secondary inspections.

⁸⁶ Moony and Jackstra testimony, see fn. 64.

⁸⁷ Air Transport Association Issue Brief, "US-VISIT Biometric Exit," <http://www.airlines.org/government/issuebriefs/US-VISIT+Biometric+Exit.htm>.

Coordinated efforts by DHS, the U.S. Department of Transportation, and the General Services Administration are needed to address infrastructural challenges and security procedures that contribute to increased wait-times for persons and cargo. Also, staffing levels of CBP personnel at land border POEs should be increased to meet operational requirements. In the short term, CBP should adjust its personnel scheduling practices to better accommodate traffic flows and avoid unnecessary delays caused by lane closures.

CBP should increase the effectiveness of NEXUS, SENTRI, and FAST trusted traveler programs.

CBP should build upon the success of trusted traveler programs such as NEXUS, SENTRI, and FAST by ensuring that there is adequate infrastructure and staffing to facilitate participating travelers. CBP should expand the number of dedicated lanes at high-volume border crossings and ensure that the lanes are adequately staffed to remain open during peak hours. CBP also should expand the days and hours that the lanes are open to accommodate travelers on weekends, holidays, and evenings.

The Departments should implement the Western Hemisphere Travel Initiative (WHTI) and US-VISIT on the land border without degrading the travel experience.

Successful implementation of WHTI on the land border will require careful consideration of the economic impacts on border communities, which are dependent on cross-border tourism and commerce. The Departments should apply their experiences with US-VISIT at the land POEs to WHTI on the land border. Development of alternative travel

documents that are not cost prohibitive, such as the proposed State passport card⁸⁸ and Enhanced Driver Licenses issued by U.S. states and Canadian provinces⁸⁹, and the installation of necessary technological infrastructure at the land borders should be completed before the legal requirements change. The Departments also should engage in strong community outreach efforts to educate the public about the program's requirements, including information about the passport card, EDL, and other acceptable WHTI documents.

With respect to US-VISIT biometric requirements, DHS should optimize the current entry process before committing scarce resources to any form of an exit process at land borders. Further, DHS must ensure that our security programs are in compliance with the broader trade and security agreements among the United States, Canada, and Mexico.

The Departments of Homeland Security and State should coordinate security initiatives with key stakeholders to maximize use of resources and minimize problems for border crossings.

A critical component of success is effective and open communications between land border communities and the federal government, including testing of technologies and contingency planning. In doing so, the departments will gain a better understanding of travel and market trends and of the implications of any proposed actions on the travel industry and the traveler. This consultation and coordination should also take place at the regional and local level, not only in Washington, D.C. In contrast, without adequate planning, border security policies become a tax on border communities and border trade.

88 U.S. Department of State, Card Format Passport; Changes to Passport Fee Schedule, 72 Fed. Reg. 249 at 74169 (December 31, 2007).

89 U.S. Department of Homeland Security, Fact Sheet: Enhanced Driver's Licenses (EDL), December 5, 2007, http://www.dhs.gov/xnews/releases/pr_1196872524298.shtm.

General

The Department of Homeland Security should assess its traveler screening programs within nine months to share and harmonize best practices and technology among agencies.

There are many traveler screening programs being administered or developed by DHS (e.g., WHTI, US-VISIT, TSA Passenger Checkpoint 2.0, ETA, etc.). While each program is unique and serves particular purposes, it is necessary to evaluate how limited federal resources can be maximized and to ensure that the multiple technology platforms are better coordinated. One of the principal goals of this effort should be to harmonize government requirements for the collection of traveler information as uncoordinated requirements impose substantial costs and inefficiencies.

The DHS Office of Screening Coordination and the Under Secretary for Science and Technology should conduct a broad assessment of these programs to ensure that best practices are being shared, that demands for passenger data are as uniform as practicable, and that the technology is leveraged across programs to improve security as efficiently as possible. Technology is an effective but imperfect tool for increasing security and facilitation. Departments should have backup systems and procedures in place to deal with those times when technology fails.

The Departments of Homeland Security and State should encourage increased passport ownership by U.S. citizens.

The WHTI outreach effort generally succeeded in informing U.S. citizens about the phased requirements that they hold passports to enter and depart the United States for travel in the Western Hemisphere, although it was not without pain and confusion: passport delays escalated and DHS was forced to relax the WHTI passport requirement for U.S. citizens between June and September 2007. The percentage of U.S. citizens holding passports is approximately 27 percent, up from about 20 percent prior to WHTI.⁹⁰

Now that State has resolved extreme delays in issuing passports to U.S. citizens, DHS and State should develop and implement a plan to further increase the number of U.S. citizens holding passports. This would increase the security and efficiency of the process and might even prompt more Americans to travel abroad, where they will serve as informal U.S. ambassadors. The Departments also should develop a national program to encourage all high school graduates to obtain a passport at the same time they receive their diploma and/or register for the Selective Service.

⁹⁰ Information provided by the Department of State.

Metrics and Critical Success Factors

DISCUSSION

A widely accepted tenet of management in the information age is “If you can’t measure it, you can’t manage it.” Thus in the business world, performance of individuals, organizations, and entire corporations are keyed to specific metrics. The highest-level metrics are generally financial, because the ultimate purpose of a corporation is to return a profit to its stockholders or other owners. However, the use of metrics in business and other organizations runs much deeper than just financials. Particularly since the quality management revolution of the 1980s and 1990s, many more individual processes are now monitored and analyzed by measuring relevant variables. These calculations are usually referred to as metrics.

In order to make metrics useful, several things must be done. First, these metrics must be maintained longitudinally, so that managers can observe changes in performance over time. Second, the metrics must be integrated to present a view of the entire system so that managers can understand how the individual processes interact and behave cumulatively. Third, at both the process and system level, there must be feedback from these metrics that enables managers to identify and correct problems, and to strive to continuously improve performance.

No enterprise can survive if it does not continuously use metrics to determine what operations add value and how its various elements interact. An indispensable element in managing and measuring performance by metrics is benchmarking. Benchmarking means comparing one organization’s

metrics against those of other organizations that perform similar processes. It is through such benchmarking that businesses can identify what needs to be improved in order to become competitive.

Government agencies are expected to perform their missions in a manner that properly implements policy, provides effective services to constituents, and spends taxpayer dollars wisely and efficiently. Metrics and critical success factors should be just as important to them as they are to for-profit businesses. Congress mandated a government-wide program to expand the use of metrics under the Government Performance Results Act of 1993 (GPRA). The Departments of Homeland Security and State are subject to GPRA and undergo a metrics-based performance review each year.

Despite this, much of the federal government is not highly driven by metrics. Possible reasons for this fact include the absence of competitive pressures such as those imposed on businesses by the marketplace, the frequent tendency not to benchmark, the inertia of bureaucratic structures, lack of budgetary fungibility, and changing congressional priorities.

Generally speaking, the progress and performance sought to implement border security in order to meet a Secure Borders and Open Doors goal lend themselves to measurement and tracking. It is possible to identify a number of critical success factors, but before doing so, it is useful to note some of the factors that might work against the use of business-like performance metrics:

- International travel policy must be implemented through the work of two Cabinet-level departments and several sub-Cabinet organizations that have little history of sharing data and viewing their interactions as an integrated system. The problem of data sharing in part derives from security concerns.
- Some of the metrics that should be used for rational management and deployment of resources are considered politically sensitive — especially those dealing with countries considered unfriendly to the United States.
- There is no history of benchmarking the performance of most of the agencies and organizations against their counterparts in other countries.
- Frequently, the concept of using quantitative measurements or estimates of costs and benefits to drive decisions is simply absent.
- Many of the underlying measures of success are in fact “soft” and qualitative.
- The scale of operations is enormous, encompassing hundreds of millions of international travel transactions annually.
- Establishing operational and success metrics regarding security against terrorists and other threats is very challenging because detection of such threats is an extremely difficult “needle in the haystack” problem that differs in many dimensions from traditional business processes.

The foregoing sections of this report have proposed a number of new metrics and performance goals that should be among those tracked to measure the effectiveness of U.S. policies. For example, the Visa Policy section proposes measuring the experience of those who apply for U.S. visas, including the average number of days required for adjudication of visa applications, the number of “false positives” and “false negatives” in the adjudications,⁹¹ and other variables. The Ports of Entry section has delineated several

metrics for detailed analysis of the processes encountered by international travelers as they enter the country through all POEs. This lends itself rather directly to business process metrics and feedback for continuous improvement efforts. A clear and very important example is the wait-time associated with crossing borders, including the time spent in line to approach CBP inspection areas, as well as actual time in the inspection zones.

Metrics and critical success factors should be just as important to government agencies as they are to for-profit businesses.

As an illustration of using customer surveys to obtain “soft” metrics such as friendliness, the U.S. Department of Commerce’s Office of Travel and Tourism obtained more than 25,000 responses each year from 2000 through 2006 to a survey of international air travelers. The mean rating of passport control staff courtesy varied from 3.4 to 3.5, on a scale that ranged from 1 = Poor, 3 = Average, to 5 = Excellent. The mean rating of Customs or CBP staff courtesy was 3.6 for every year except 2005, when it was 3.5. These data tell us that the typical responding traveler feels the courtesy with which they were dealt was slightly better than “average,” not “good” or “excellent.” Tracking these metrics over time suggests that process changes made during these seven years have neither improved nor worsened the way the average international travelers perceive their treatment. The good news may be that maintaining a constant level of this perception throughout the post-9/11 period may be a notable achievement.

The bad news is that these figures are not being replicated in surveys taken by non-governmental entities and clearly do not reflect influential anecdotal evidence regarding extreme cases. Given the desire to project our national values, meet the goal of being welcoming, and meet the objective of forming long-term positive views

⁹¹ A false positive means a person judged likely to be a terrorist, upon further investigation, is found to have no terrorist connection at all. A false negative means a person judged unlikely to be a terrorist, upon further investigation, is found to have terrorist connections.

of the U.S., the most important content of these surveys may not be the average response, but rather the distributions and extremes. Those travelers who feel most strongly that they were not treated courteously or fairly may contribute the most to negative attitudes and views of the United States. The individual experiences the totality of this system, not just a sequence of activities. Individual processes like cargo inspections, having a visa examined and stamped, or moving through a security checkpoint may be rapid, but if the person undergoing them had to wait for months for the necessary visa in the first place, her encounter with the system is not welcoming overall. Likewise, if the x-ray technology at a checkpoint works perfectly, but an agent has not been well trained to interpret the image on the screen, the system may fail to meet its objectives. Therefore interpretation of metrics requires an understanding of how the effects being measured cumulate, and care must be taken to identify weak links and failure modes of the overall system.

RECOMMENDATIONS

The RCI vision can be achieved in a manner that improves our security while maintaining our values and openness and avoiding unnecessary damage to our economy and society. The resources that can and should be applied to attain this goal are finite. We are early in our learning curve as a nation in countering terrorist threats. It is essential to measure and track the performance of new systems designed to determine how welcoming and secure we are. Metrics also will allow us to rationally deploy resources and continually improve our capabilities and performance.

The primary success factor for Secure Borders and Open Doors is the number of terrorist attacks or incidents involving people, materials, or equipment that have crossed our borders (with a goal of zero), and the number of such attacks or incidents that are detected and averted.

The simplest success factor regarding security is whether or not our country is attacked. The desired value of this factor is zero. America's track record in detecting and disrupting or averting attacks

determines how safe we are and are likely to remain. This is the ultimate measure of the result of our intelligence work, and of the integrated effect of all components of the Rice-Chertoff Initiative.

All relevant agencies must actively engage in benchmarking and increase the extent to which they measure progress using metrics.

State and DHS must systematically collect, share, and analyze longitudinal data to measure performance and use it to improve their operations. They should also benchmark performance metrics against those of comparable nations and appropriate groups of nations like the E.U., and use what they learn to improve processes. The departments should not shy away from "soft" goals; they too can be addressed and tracked to a large extent by using surveys and other social science tools, in which there has been substantial methodological progress in recent years.

Metrics must be consistently tracked over time, and attention should be focused on the variation and extremes as well as on mean performance. Additionally, metrics should be developed to identify the impact on the business, tourism, and academic industries as policies and practices are changed. These metrics will be most useful if they are disaggregated by country of origin and categories of applicants, allowing these data to be used to guide deployment of resources. It will also be important to determine the costs, benefits, and justice of extreme cases in the context of national security.

A consistent set of metrics that indicate the efficiency, effectiveness, and consumer friendliness of visa application and adjudication should be maintained longitudinally and used to analyze and continually improve performance and optimize deployment of resources.

The Visa Policy section of this report recommends a number of data sets that should be maintained in this regard. State and DHS should jointly refine and enhance these data and build or modify the necessary procedures and databases. They should develop a clear plan, protocols, and oversight to ensure that

these metrics are fed back into the system to improve its performance. They should be used whenever possible to measure performance against ultimate goals and short-term outcomes. They also should be used as part of a process for evaluating the costs and benefits of systems and processes. What is learned should be used in making decisions about allocation of budget, personnel, and equipment. Elements of systems and processes should be evaluated periodically using these metrics and should be enhanced, modified, reduced, or eliminated over time if they do not materially affect achievement of the goals and objectives of the Rice-Chertoff Initiative.

The performance metrics related to visa application and adjudication, and those related to entry of international travelers, both citizens and non-citizens, should be globally benchmarked.

Increasingly, the United States competes with other nations in fields such as tourism, higher education, multinational business, and international conferencing. The ease, friendliness, consistency, rationality, and costs to visitors are major factors when individuals and organizations make decisions about where to travel. These matters are also important in forming long-term perceptions of our nation. Therefore, it is essential that the U.S. government benchmark its own practices against those of other countries, and use what we learn to continually improve our policies and processes. The U.K. and Australia are also frequently mentioned as countries from which we can learn how to manage visa risks with better facilitation.

How America competes with the European Union also is particularly important. Under the Schengen Agreement, originally signed in 1985, foreign nationals can obtain a visa for one European country

that is good in all 24 Schengen member countries.⁹² While applicants must supply fingerprints, in-person interviews are not required unless the consular official is not satisfied with the application. Accordingly it is very rare for an applicant to wait more than three weeks for a visa application to be acted upon. The U.S. personal interview requirement contains no such flexibility, even for repeat applicants. In addition, the E.U. currently provides visa-free travel to a number of countries not included in the U.S. Visa Waiver Program. Among these are Brazil, Israel, Malaysia, Mexico, Panama, and Paraguay.⁹³

A consistent set of metrics based on surveys, exit interviews, and other tools of state-of-the-art survey research should be collected, maintained longitudinally, and used to analyze and continually improve performance and optimize deployment of resources.

It is imperative that seasoned experts in modern survey research and related areas of social science be engaged to develop appropriate instruments and processes for sampling travelers and understanding customer satisfaction and perception formation. Experienced on-the-ground government personnel, e.g., from embassy staffs, TSA, and CBP should be engaged during the design of the survey instruments and processes. Experienced on-the-ground personnel from the private sector “user community,” e.g., travel and tourist industry representatives, university admissions officers, professional conference organizers, and airline agents also should be engaged during the design of the survey instruments and processes.

92 Existing Schengen countries (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Italy, Luxembourg, Netherlands, Norway, Portugal, Spain, and Sweden) were joined on December 21, 2007 by the Czech Republic, Estonia, Hungary, Lithuania, Latvia, Malta, Poland, Slovakia and Slovenia. European Commission, “Passport-free travel spreads to eastern Europe,” December 21, 2007, http://ec.europa.eu/news/justice/071221_1_en.htm.

93 Commission of the European Communities, “Third Report from the Commission to the European Parliament and the Council,” September 13, 2007, p. 4–7, http://eur-lex.europa.eu/LexUriServ/site/en/com/2007/com2007_0533en01.pdf.

Large-scale surveys of public attitudes toward the United States should be conducted in many countries, structured in part to determine the influence of visa and entry processes.

Both the federal government and the private sector need to have a clear-eyed understanding of public perceptions and attitudes toward the United States, and how and why they vary over time and across geographic and political boundaries. This is not an easy task, but it is a critical one for helping to guide U.S. policy and public diplomacy.

A consistent, longitudinal, multi-agency record of successful intercepts of known or suspected terrorists at border crossings, together with all false positives and false negatives and their resolution, should be maintained and disaggregated according to the specific mechanism by which each correct or incorrect identification was made.

These data are clear, discrete, and fundamental to understanding, evaluating, and improving our security processes. They also should be reasonably straightforward to collect. Hopefully the number of actual or suspected terrorists attempting to cross our borders will be small, but greater study of false positives and false negatives is critical to improving security processes and allocating resources.

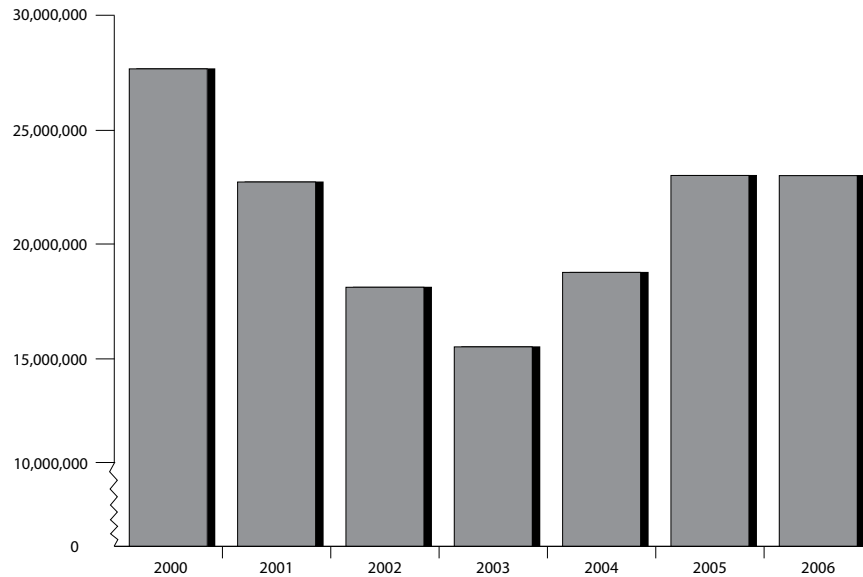
The manner in which individuals are falsely suspected or identified, and what subsequent actions result, ranging from secondary questioning to arrest, are extremely important for ensuring that we minimize disruption to innocent people and foster confidence and goodwill. When people have been falsely identified or even accused, compensatory actions ranging from eliminating them from the “no-fly” list to financial compensation must be considered. The conduct of our government triggered by false positives and false negatives is a major determinant of whether our policies and procedures properly reflect American values and laws.

A consistent, longitudinal, multi-agency record of successful intercepts of dangerous materials or devices at border crossings, together with all false positives and false negatives should be maintained and disaggregated according to the specific mechanism by which each correct or incorrect identification was made.

Measurement and analysis of the successes and failures of detecting dangerous materials and equipment crossing U.S. borders is essential to the improvement of such systems. This generally will involve both technology and human judgment. This is perhaps the clearest example of the application of industry-like metrics to the goal of Secure Borders and Open Doors. Both people and machines can continually learn and improve training, equipment, and processes such as baggage and airport checkpoint inspections.

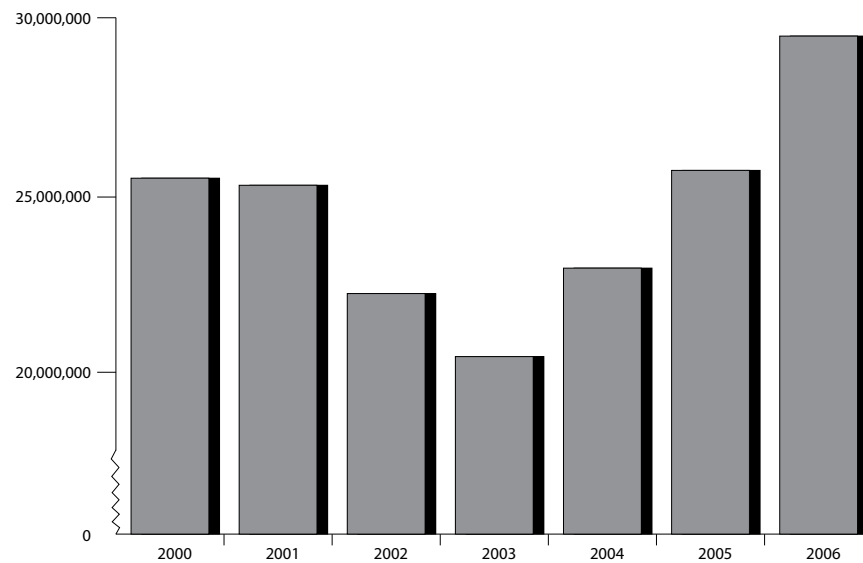
International Travel Statistics

Yearly number of international visitors to the United States, excluding Canada and Mexico



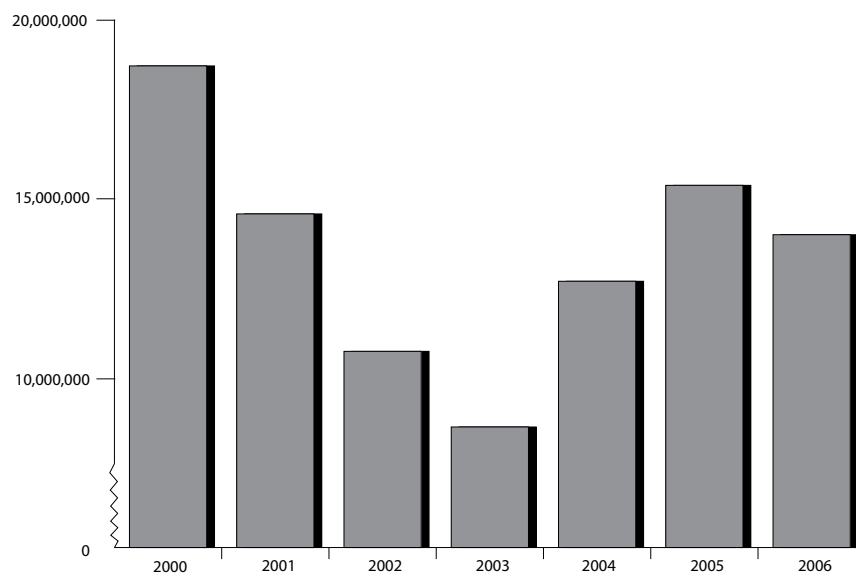
Source: The Office of Travel & Tourism Industries International Arrivals To U.S. By Country of Residency Historical Visitation — 2000 – 2006,
http://tinet.ita.doc.gov/outreachpages/inbound.intl_arrivals_historic_visitation_2000-2006.html

Yearly number of international visitors to the United States from Canada and Mexico



Source: The Office of Travel & Tourism Industries International Arrivals To U.S. By Country of Residency Historical Visitation — 2000–2006,
http://tinet.ita.doc.gov/outreachpages/inbound.intl_arrivals_historic_visitation_2000-2006.html

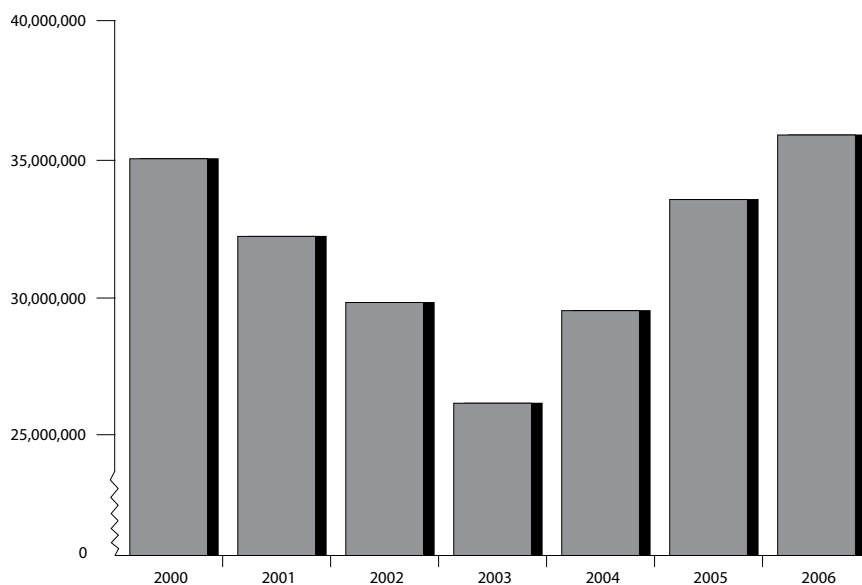
Yearly number of international visitors to the United States from Visa Waiver Program countries *



* Visa Waiver Program countries are: Andorra, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Lichtenstein, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland, and the United Kingdom.

Source: The Office of Travel & Tourism Industries International Arrivals To U.S. By Country of Residency Historical Visitation — 2000–2006.
http://tinet.ita.doc.gov/outreachpages/inbound.intl_arrivals_historic_visitation_2000-2006.html

Yearly number of international visitors to the United States from countries that are not in the Visa Waiver Program



Source: The Office of Travel & Tourism Industries International Arrivals To U.S. By Country of Residency Historical Visitation — 2000–2006.
http://tinet.ita.doc.gov/outreachpages/inbound.intl_arrivals_historic_visitation_2000-2006.html

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Acknowledgments

This report would not have been possible without the expertise and time dedicated by individuals affiliated with the SBODAC members and additional subject matter experts who were consulted. Among the many who provided such assistance were: Bill Bailey, Walt Disney Company; Rachel Banks, NAFSA: Association of International Educators; James Casey, Air Transport Association; Bill Connors, National Business Travel Association; Jason Conley, U.S. Chamber of Commerce; Elaine Dezenski, Cross Match Technologies Inc.; Elizabeth Dickson, Ingersoll Rand Company; Robert Gluck, Walt Disney Parks and Resorts; John Hamilton, Electronic Data Systems Corporation; Matthew Howe, Border Trade Alliance; Kelly Hunt, U.S. Chamber of Commerce; Melissa Froehlich, Marriott International Inc.; Jonathan Ginsburg, Fettmann, Tolchin, and Majors, PC; Randel Johnson, U.S. Chamber of Commerce; Victor Johnson, NAFSA: Association of International Educators; A.J. Muldoon, Airports Council International-North America; Joe Pena, Miami-Dade College; Diane Peterson, Airports Council International-North America; Bill Primosch, National Association of Manufacturers; Kristi Severance, Migration Policy Institute; Elizabeth Stern, Baker & McKenzie LLP; Thomas Miller, Business for Diplomatic Action; Rick Webster, Travel Industry Association of America; Palma Yanni, PC, Attorney at Law; Kathleen Campbell Walker, Kemp Smith LLP; and Lynda S. Zengerle, Steptoe & Johnson LLP.

The SBODAC has been greatly assisted in its work by Alfonso Martinez-Fonts, Assistant Secretary of Homeland Security for the Private Sector Office, and by the Homeland Security Advisory Committee staff, including Director Doug Hoelscher, Deputy Director Michael Fullerton, and former Special Assistant Ruth Smith, and by the Department of State's liaison to the SBODAC, Susan Jacobs from the Bureau of Consular Affairs.

Edward D. Hearst of Sybase, Inc. and C. Stewart Verdery, Jr. of Monument Policy Group, LLC, on behalf of Co-Chair John S. Chen, and Cheryl Hays of Carnegie Mellon University, on behalf of Co-Chair Dr. Jared L. Cohon, managed and oversaw the development of the SBODAC report at the staff level.

Day-to-day project management, editorial services, and design/production services related to this report were provided by FD Dittus Communications Inc., particularly Dale Curtis, Joanna Breslow, Deanna Fleischmann, Jacques Marsha Cattaneo, Chris Root, and James Fanale.

Glossary of Terms

Agencies/Organizations

CA: Bureau of Consular Affairs,
U.S. Department of State

CBP: U.S. Customs and Border Protection,
U.S. Department of Homeland Security

CIS: U.S. Immigration and Citizenship Services,
U.S. Department of Homeland Security

DHS: U.S. Department of Homeland Security

DOT: U.S. Department of Transportation

GAO: U.S. Government Accountability Office

HSAC: Homeland Security Advisory Committee

NSC: National Security Council,
Executive Office of the President

SBODAC: Secure Borders and Open Doors
Advisory Committee, a subcommittee of HSAC

State: U.S. Department of State

TSA: U.S. Transportation and Security
Administration, U.S. Department
of Homeland Security

US-VISIT: United States Visitor and Immigrant
Status Indicator Technology program, U.S.
Department of Homeland Security

Terms/Acronyms

APIS: Advanced Passenger Information
System, an information system used to vet
arriving international passengers by CBP

Biometrics: The use of unique physical or
behavioral characters to verify identity

C-TPAT: Customs-Trade Partnership Against
Terrorism, a CBP program to provide facilitation
benefits for shippers and other supply chain
participants approved for security protocols

DHS TRIP: Department of Homeland
Security Travel Redress Inquiry Program

EDL: Enhanced Driver's License, a state-issued
driver's license approved a **WHIT**-compliant
document for land and sea travel into the U.S.

ETA: Electronic Travel Authorization,
an online application for VWP travel
required under 2007 legislation expected
to be implemented in 2008 and 2009

FAST: Free and Secure Trade, a trusted traveler
program for truckers crossing the U.S. land borders

FIS: Federal Inspection Services, the portion of
an international airport where CBP conducts
immigration and customs processing

GPRA: Government Performance
Results Act of 1993

H-1B Visa: Non-immigrant work visas for foreign
workers with the equivalent of a bachelor's degree.

INSPASS: INS Passenger Accelerated Service
System, a discontinued IRT program

IRT: International Registered Traveler program

The Model Ports Program: A DHS program
being implemented by CBP designed to make
the airport experience for foreign nationals
arriving in American airports more pleasant
and welcoming, including improved signage,
multilingual videos, and modernized procedures

NEXUS: A trusted traveler program operated by
CBP and the Canadian government for travelers
crossing the land and maritime borders between the
U.S. and Canada and flying from Canada to the U.S.

NSEERS: National Security Entry-Exit
Registration System, requiring visitors from
certain countries to be registered in secondary
processing with CBP upon entering the U.S.
and to provide departure notice to CBP before
leaving the country from designated POEs

PNR: Passenger Name Record, information collected by airlines related to a passenger's itinerary and ticket purchase

PIL: Primary Inspection Lane at land ports of entry

PLOR: Primary Lookout Over-Ride, a CBP program to alert inspectors concerning individuals with identical or similar biographical information as watchlisted individuals

POE: Port of entry

RCI: The Rice-Chertoff Initiative

RT: Registered Traveler, a program to provide expedited security screening for passengers enrolled by private sector entities who pass a voluntary TSA-conducted security threat assessment

SAO: Security Advisory Opinion, a program to have certain visa applications referred by a consulate to be reviewed by an inter-agency process

SENTRI: Secure Electronic Network for Travelers Rapid Inspection, a trusted traveler program operated by CBP for travelers crossing the land border between the U.S. and Mexico

SEVIS: Student Exchange Information System, a Web-based program to confirm enrollment in U.S. educational institutions and track admission and departure from the U.S.

VWP: The Visa Waiver Program, which enables nationals of 27 countries to travel to the United States for tourism or business for stays of 90 days or less without obtaining a visa

WHTI: Western Hemisphere Travel Initiative, a 2004 law requiring all citizens of the United States, Canada, Mexico, and Bermuda to possess a passport or other document indicating citizenship and identity when entering or re-entering the United States

